Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

10/15/2012

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Ashland Plan Amendment
DLCD File Number 002-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, October 30, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Bill Molnar, City of Ashland
Gordon Howard, DLCD Urban Planning Specialist

<paa>

FORM 2 DLCD Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

OCT 11 2012

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: **City of Ashland**

Local file number: **PL-2012-00265**

Date of Adoption: **10/2/2012**

Date Mailed: **10/7/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 3/21/2012

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amends "drive-up ordinance" to allow 4 existing drive-up uses in Ashland's Historic Interest Area to redevelop or relocate elsewhere in C-1/C-1-D zoned portions of Historic Interest Area as Special Permitted Uses subject to performance standards. Current regulations do not allow drive-up uses in this area, and changes to existing non-conforming uses currently require Conditional Use Permits.

Does the Adoption differ from proposal? Yes, Please explain below:

Initial proposal would have allowed drive-up's to relocate if they were underground or screened from view and did not address redevelopment; adopted proposal adds more detailed performance standards and provides for redevelopment on site as well as relocation.

Plan Map Changed from: **No change to maps** to: **No change to maps**

Zone Map Changed from: **No change to maps** to: **No change to maps**

Location: **Not site specific; area map attached.** Acres Involved: **0**

Specify Density: Previous: **No change** New: **No change**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☐	☐	☐	☐	☒	☒	☐	☐	☒	☐	☐	☐	☐	☒	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing? ☒ **Yes** ☐ **No**

If no, do the statewide planning goals apply? ☐ **Yes** ☐ **No**

DLCD File No. 002-12 (19246) [17206]

If no, did Emergency Circumstances require immediate adoption? ☐ Yes ☐ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Department of Transportation

Local Contact: **Bill Molnar, Director** Phone: **(541) 552-2042** Extension:

Address: **c/o 20 East Main Street** Fax Number: **541-552-2050**

City: **Ashland** Zip: **97520-** E-mail Address: **bill.molnar@ashland.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green **paper if available.**
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

ORDINANCE NO. 3074

AN ORDINANCE AMENDING SECTION 18.32.025 OF THE ASHLAND LAND USE ORDINANCE TO PROVIDE FOR THE RELOCATION OR REDEVELOPMENT OF FOUR FINANCIAL INSTITUTIONS' EXISTING, NON-CONFORMING DRIVE-UP USES IN ASHLAND'S HISTORIC INTEREST AREA.

Annotated to show ~~deletions~~ and **additions** to the code sections being modified. Deletions are **bold ~~lined through~~** and additions are in **bold underline**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

> Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the original Transportation Element of the City of Ashland's Comprehensive Plan, adopted in 1982, included a policy explicitly discouraging drive-up uses in order to limit fuel consumption and air pollution associated with vehicle idling.

WHEREAS, the City of Ashland adopted Ordinance # 2313 in 1984 to define drive-up uses, set specific standards for their development, place a limit on the total number of drive-up uses allowed in the city, prohibit drive-up uses in Ashland's Historic Interest Area as defined in the Comprehensive Plan, and render existing drive-up uses within that Historic Interest Area non-conforming uses.

WHEREAS, with the adoption of Ordinance #2313 in 1984 and subsequent amendments with the adoption of Ordinance #2688 in 1992, it was no longer seen as necessary that the Transportation Element of the City of Ashland's Comprehensive Plan, as revised and adopted in 1996, contain an explicit policy discouraging drive-up uses, the Element continues to include policies which promote decreased auto use and increased walking and bicycling, public transportation, ride sharing and other transportation demand management techniques (**X.II-1**) and to encourage businesses to inform customers of available non-automotive access to the business locations and to support customer use of non-automotive access (**X.II-6**).

WHEREAS, the City of Ashland's Comprehensive Plan and implementing ordinances encourage development at a human scale with a balanced approach to transportation rather than encouraging a primarily auto-centric approach to development, and the Downtown Design Standards explicitly discourage auto-centric uses in the downtown (VI.J-6) in seeking to create a pedestrian friendly environment with a continuous storefront streetscape at the sidewalk.

WHEREAS, the Ashland Food Co-op as applicant has proposed a Legislative Amendment to the existing drive-up use regulations to allow the existing non-conforming drive-up uses within the Historic Interest Area to redevelop on site or relocate elsewhere in the C-1 or C-1-D zoned portions of the Historic Interest Area without being subject to the discretionary review of a Conditional Use Permit in order to facilitate further negotiations with the adjacent property owner, Umpqua Bank, in hopes that the Co-op will ultimately be able to acquire the bank property if the bank is able to relocate elsewhere in the Historic Interest Area while retaining its existing drive-up use, and to encourage the redevelopment of the other existing non-conforming drive-up sites in a manner more consistent with current city standards.

WHEREAS, the City of Ashland Transportation Commission considered appropriate amendments to the Ashland Municipal Code's Land Use Ordinances at a duly advertised public hearing on May 24, 2012, and following deliberations identified no specific adverse impacts to the transportation system which would result from the proposed amendments;

WHEREAS, the City of Ashland Planning Commission considered appropriate amendments to the Ashland Municipal Code's Land Use Ordinances at duly advertised public hearings on May 8, 2012 and June 12, 2012, and following deliberations recommended approval of the amendments;

WHEREAS, the City Council of the City of Ashland conducted a duly advertised public hearing on the amendments to the Ashland Municipal Code's Land Use Ordinances on August 7, 2012;

WHEREAS, the City Council of the City of Ashland, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the Ordinance in accordance with Article 10 of the Ashland City Charter; and

WHEREAS, the City Council of the City of Ashland has determined that in order to protect and benefit the health, safety and welfare of existing and future residents of the City, it is necessary to amend the Ashland Municipal Code and Land Use Ordinance in manner proposed, that an adequate factual base exists for the amendments, the amendments are consistent with the comprehensive plan and that such amendments are fully supported by the record of this proceeding.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2. The following amendments are hereby added to AMC Section 18.32.025

E. Drive-up uses as defined and regulated as follows:

1. **Drive-up uses are defined as any establishment which by design, physical facilities, service or by packaging procedures encourages or permits**

customers to receive services, obtain goods other than automobile fuel, or be entertained while remaining in their motor vehicles. The components of a drive-up use include kiosks, canopies or other structures; windows; stalls; queuing lanes and associated driveways. Drive-up uses may be approved in the C-1 District only, and only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard.

2. Drive-up uses are prohibited in Ashland's Historic Interest Area as defined in the Comprehensive Plan. **The four existing non-conforming financial institution drive-up uses in operation in the Historic Interest Area as of August 7, 2012 may redevelop or relocate within the C-1 and C-1-D zoned portions of Ashland Historic Interest Area subject to the following requirements:**

   a. **Relocation or redevelopment of a drive-up use within the C-1 or C-1-D zoned portions of the Historic Interest Area shall be subject to a Type II Site Review procedure as a Special Permitted Use.**
   b. **Relocated or redeveloped drive-up uses may only be placed on a secondary building elevation, and only accessed from an alley or driveway. A secondary building elevation is defined as a building's side or rear elevation which does not face a street, other than an alley.**
   c. **Driveways serving relocated or redeveloped drive-up uses shall not enter from or exit to a higher order street frontage or through a primary elevation of the building, and driveways or queuing lanes shall not be placed between a building and the right-of-way other than an alley.**
   d. **No demolition of or exterior change to a building considered to be a historic resource shall be permitted to accommodate the relocation or redevelopment of a drive-up use.**
   e. **Regardless of the number of drive-up windows/lanes in use in the current location, with a relocation or remodel the number of windows/lanes shall be reduced to one (1).**

3. Drive-up uses are subject to the following criteria:

   a. The average waiting time in line for each vehicle shall not exceed five minutes. Failure to maintain this average waiting time may be grounds for revocation of the approval.
   b. All facilities providing drive-up service shall provide at least two designated parking spaces immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.
   c. A means of egress for vehicular customers who wish to leave the waiting line shall be provided.
   d. The grade of the stacking area to the drive-up shall either be flat or downhill to eliminate excessive fuel consumption and exhaust during the wait in line.

e. The drive-up shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.

f. Sufficient stacking area shall be provided to ensure that public rights-of-way are not obstructed.

g. The sound level of communications systems shall not exceed 55 decibels at the property line and shall otherwise comply with the Ashland Municipal Code regarding sound levels.

h. The number of drive-up uses shall not exceed the 12 in existence on July 1, 1984. Drive-up uses may be transferred to another location in accord with all requirements of this section. The number of drive-up window stalls shall not exceed **one (1)** per location, even if the transferred use had greater than one stall.

i. A separate ministerial "Drive-Up Transfer" permit shall be obtained for the transfer of any drive-up use when such transfer is not associated with a Site Review or Conditional Use permit application in order to formally document transfer of the use.

j. Drive-up uses which are discontinued without a properly permitted transfer shall be deemed to have expired after being unused for six (6) months. Discontinuation of a drive-up use is considered to have occurred when the drive-up use is documented as having ceased on site through a ministerial, Site Review or Conditional Use permit review, or upon on-site verification by the Staff Advisor.

k. All components of a drive-up use shall be removed within sixty (60) days of discontinuation of the use through abandonment, transfer, relocation or redevelopment.

SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions, and text descriptions of amendments (i.e. Sections 1, 3-4) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 17 day of July 2012, and duly PASSED and ADOPTED this 2 day of October, 2012.

Barbara M Christensen

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 3 day of October, 2012.

John Stromberg, Mayor

Reviewed as to form:

David Lohman, City Attorney

CITY OF ASHLAND

Council Communication
October 2, 2012 Business Meeting

Second reading of an ordinance amending Section 18.32.025 of the Ashland Land Use Ordinance to provide for the relocation or redevelopment of four financial institutions' existing, non-conforming drive-up uses in Ashland's Historic Interest Area.

FROM:
Derek Severson, Associate Planner, derek.severson@ashland.or.us

SUMMARY
The ordinance being presented to the City Council for second reading would allow existing drive-up uses in the Historic Interest Area to redevelop on site or relocate to a new site elsewhere in the C-1 or C-1-D zoned portions of the Historic Interest Area provided they meet specific performance standards to minimize adverse impacts.

BACKGROUND AND POLICY IMPLICATIONS:
The City Council held a public hearing on July 17, 2012 and passed first reading of the ordinance.

The request before Council is for second reading of an ordinance to allow existing drive-up uses in the Historic Interest Area to redevelop or relocate to a new site elsewhere in the C-1 or C-1-D zoned portions of the Historic Interest Area provided they meet specific performance standards.

The original Transportation Element of Ashland's Comprehensive Plan, adopted in 1982, included a policy discouraging drive-up uses to limit fuel consumption and air pollution associated with vehicles idling at drive-up windows. Subsequent ordinances have defined drive-up uses, set standards for their development, required Conditional Use Permits for their approval before making them a Special Permitted Use, limited the total number of drive-up uses in the city to the 12 in place in July of 1984, made provisions for transfer of these uses between users and locations, and prohibited these uses in the Historic Interest Area which includes all four of Ashland's National Register of Historic Places-listed historic districts. With the prohibition in the Historic Interest Area, existing drive-up uses in that area were rendered legal non-conforming uses. The four existing drive-up uses currently located in the Historic Interest Area are all financial institutions: Umpqua Bank at 250-300 North Pioneer Street, Wells Fargo Bank at 67 East Main Street, U.S. Bank at 30 North Second Street, and Chase Bank at 243 East Main Street.

While the 1996 Transportation Element no longer contains an explicit policy discouraging drive-up uses, City standards and requirements continue to place special emphasis on the Historic Interest Areas, and particularly the downtown. The removal of off-street parking requirements in the downtown, additional design standards for historic districts in general and the downtown in particular, and the prohibition on drive-up's in the Historic Interest Area all emphasize a high level of urban

design with a continuous storefront streetscape at the sidewalk to create a pedestrian friendly environment. Section VI.J.6 of the Downtown Design Standards emphasizes that, "*Uses which are exclusively automotive such as service stations, drive-up windows, auto sales, and tire stores are discouraged in the downtown. The City shall use its discretionary powers, such as Conditional Use Permits, to deny new uses, although improvements to existing facilities may be permitted.*"

As initially proposed, the current Legislative Amendment put forward by the Ashland Food Co-Op would have simply added exception language to allow existing drive-up uses within the Historic Interest Area to relocate to a new site elsewhere within the C-1 or C-1-D zoned portions of the Historic Interest Area provided that they were located "*predominantly underground or otherwise screened from view from the public right-of-way.*" The applicants have indicated that their hope was to address parking issues in the vicinity of their store by allowing neighboring Umpqua Bank to relocate while retaining its drive-up window. More broadly, the applicants have suggested that the current regulations and resultant non-conforming status of the four financial institutions serve to prevent upgrades to or redevelopment of these sites, as the financial institutions holding the existing drive-up permits are inherently risk-averse and unwilling to move forward with costly projects when their outcomes are uncertain and subject to signficant levels of discretion. The application suggests that in removing the perceived barrier posed by having to obtain Conditional Use Permit approval to redevelop, the requested ordinance changes could facilitate the redevelopment of the sites of current drive-up uses in a manner more in keeping with current design standards while at the same time minimizing the impacts of the relocated drive-up uses to the Historic Interest Area.

In considering the requested amendment, the Planning Commission felt strongly that any lessening of the current prohibition needed to carefully consider potential adverse impacts to the built environment and pedestrian-friendly, human-scale character of the National Register of Historic Places-listed Historic Interest Area. The Commission ultimately recommended that the proposed ordinance amendment be modified beyond the applicants' initial proposal in order to minimize the adverse impacts that the current prohibition on drive-up uses in the Historic Interest Area was enacted to avoid by adding the following performance standards and design requirements:

- That relocation of the four existing drive-up uses or redevelopment of their existing sites in the Historic Interest Area (HIA) be allowed as a "Special Permitted Use" within the C-1 and C-1-D zoned portions of the HIA subject to "Type II" Site Review.
- That regardless of the number of drive-up windows/lanes in use in the current drive-up location, with relocation or redevelopment under this amendment the number of windows/lanes be reduced to one.
- That existing approved drive-up uses not currently in use in the HIA would continue to be unable to be transferred into the HIA. Relocation of the existing uses or redevelopment of existing sites in the HIA would be limited to the four existing financial institutions; all other uses would remain subject to existing regulations within the HIA.
- That with relocation or redevelopment, drive-up uses may only be placed on a non-street (other than an alley) facing secondary building elevation, and only accessed from an alley or driveway.
- That drive-up uses be clearly defined, and that this definition include all drive-up components (i.e. the kiosk, canopy or other structures, window, driveway and queuing

lane). All components of a drive-up use shall be removed from the building/site within 60 days of discontinuation of the use through transfer, relocation or redevelopment.

- That driveways serving relocated drive-up uses may not enter from or exit to a higher order street frontage or through a primary elevation of the building, and that there is to be no placement of driveways or queuing lanes between a building and the right-of-way other than an alley.
- That no demolition of or exterior change to buildings considered to be historic resources be allowed to in order to accommodate the relocation of a drive-up use or redevelopment of its site through this amendment.
- That a ministerial permit be required for the transfer of any drive-up use when such transfer is not associated with a Site Review application. Uses which are discontinued without a properly permitted transfer shall be deemed to have expired after being unused for six (6) months.

The Planning Commission found that with the addition of these standards and requirements, the proposed amendment may serve to encourage redevelopment of one or more of these bank sites to bring them more into compliance with current standards, thereby working to improve the streetscape character within the Historic Interest Area while minimizing adverse impacts posed by the existing drive-up uses by more carefully regulating their placement and access. With this in mind, the Planning Commission recommended that Council approve the amendment with the additional standards and requirements listed above.

Staff has proposed one change to the proposed ordinance language since first reading. In AMC 18.32.025.E.2.b. on page 3 of 5 in the attached ordinance, the language at first reading read, "*Relocated or redeveloped drive-up uses may only be placed on a non-street facing (other than an alley) secondary building elevation and only accessed from an alley or driveway.*" For clarity sake, this has been changed to read, "*Relocated or redeveloped drive-up uses may only be placed on a secondary building elevation, and only accessed from an alley or driveway. A secondary building elevation is defined as a building's side or rear elevation which does not face a street, other than an alley.*"

FISCAL IMPLICATIONS:
N/A.

STAFF RECOMMENDATION AND REQUESTED ACTION:
Staff recommends that Council approve second reading of the ordinance.

SUGGESTED MOTION:
Move to approve second reading by title only of the ordinance titled, "An ordinance amending Section 18.32.025 of the Ashland Land Use Ordinance to provide for the relocation or redevelopment of four financial institutions' existing, non-conforming drive-up uses in Ashland's Historic Interest Area."

ATTACHMENTS:
Proposed Ordinance
Explanatory Matrix of Current and Proposed Regulations
Record of the Planning Action

CITY OF ASHLAND

Council Communication
August 7, 2012 Business Meeting

First reading of an ordinance amending Section 18.32.025 of the Ashland Land Use Ordinance to provide for the relocation or redevelopment of four financial institutions' existing, non-conforming drive-up uses in Ashland's Historic Interest Area.

FROM:
Derek Severson, Associate Planner, derek.severson@ashland.or.us

SUMMARY
Ashland's land-use code limits the number of drive-up windows allowed in the city and establishes the four existing drive-up uses in the City's Historic Interest Area as legal, non-conforming uses. This land use ordinance amendment, proposed by the Ashland Food Co-op, would allow existing drive-up uses in the Historic Interest Area to relocate to a new site elsewhere in the C-1 or C-1-D zoned portions of the Historic Interest Area provided they were located predominantly underground or otherwise screened from the view from the public right of way. The Planning Commission approved this proposed change, but with a number of modifications to minimize adverse impacts of drive-up uses.

BACKGROUND AND POLICY IMPLICATIONS:
The original Transportation Element of Ashland's Comprehensive Plan, adopted in 1982, included a policy discouraging drive-up windows to limit fuel consumption and air pollution associated with vehicle idling at drive-ups. In keeping with this policy, in 1984 the city adopted Ordinance #2313 which defined a drive-up use as "*any establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles,*" set standards for the development of drive-up uses, required Conditional Use Permits for the approval of drive-up uses, and limited the total number of drive-up uses in the city to the 12 in place on July 1, 1984 plus one additional drive-up use for each additional 1,250 persons added to the state-certified population census for the city. As part of that ordinance, drive-up uses were prohibited in Ashland's Historic Interest Area, which is defined in the Comprehensive Plan as the four National Register of Historic Places-listed historic districts. This rendered the existing drive-up uses within the Historic Interest Area as legal non-conforming uses.

In 1992, Ordinance #2688 further amended the regulations, making drive-up uses a Special Permitted Use rather than a Conditional Use, and limiting the number of drive-up uses allowed in the city to the 12 that were in place on July 1, 1984 with no allowance to increase this number with increased population. The ordinance also provided for the transfer of those 12 drive-up uses between users and locations, subject to the requirements of the Ordinance. The 12 current approved drive-up permit holders are:

1.	**250-300 N. Pioneer St./Umpqua Bank**	*(Historic Interest Area/Zoned E-1)*

2.	**67 E. Main St./Wells Fargo Bank**	*(Historic Interest Area)*
3.	**30 N. Second St./U.S. Bank**	*(Historic Interest Area)*
4.	**243 E. Main St./Chase Bank**	*(Historic Interest Area)*
5.	2290 Ashland St./Taco Bell	
6.	2235 Ashland St./Premier West Bank	
7.	2280 Ashland St./Bi-Mart Pharmacy	
8.	1652 Ashland St./Dutch Bros.	
9.	1500 Siskiyou Blvd./People's Bank	
10.	1624 Ashland St./Wendy's	
11.	512 Walker Ave./Sterling Savings Bank	
12.	**Inactive** *(Was McDonalds', now reportedly Rogue Federal Credit Union)*	

Of the 12 existing drive-up permits, all four of those in the Historic Interest Area are financial institutions. In reviewing the historic district survey descriptions of these properties, staff noted that none of the buildings were contributing resources in their districts, and several of the descriptions cite the buildings' relationships to the sidewalk or streetscape, or site planning to accommodate drive-up use, as key factors in their lacking compatibility with the historic character of the district.

The revised Transportation Element of the Comprehensive Plan adopted in 1996 no longer contains an explicit policy discouraging drive-up uses, since it was unnecessary due to the ordinance already in place to limit these uses. The Comprehensive Plan and implementing ordinances encourage the community to develop at a human scale with a balanced approach to transportation rather than taking a more auto-centric approach, and adopted design standards seek to create a richer pedestrian environment by minimizing, carefully placing and screening parking areas and driveways while emphasizing a high standard of urban design and a strong relationship between buildings and the pedestrian streetscape. City standards and requirements place special emphasis on the Historic Interest Areas, and particularly the downtown with the removal of off-street parking requirements, additional design standards for historic districts in general and the downtown in particular, and the prohibition on drive-up's in the Historic Interest Area all working to give priority to the creation of a pedestrian friendly environment with a continuous storefront streetscape at the sidewalk. Section VI.J.6 of the Downtown Design Standards emphasizes that, "*Uses which are exclusively automotive such as service stations, drive-up windows, auto sales, and tire stores are discouraged in the downtown. The City shall use its discretionary powers, such as Conditional Use Permits, to deny new uses, although improvements to existing facilities may be permitted.*"

The Legislative Amendment, proposed by the Ashland Food Co-Op as applicant, would change the existing land use regulations prohibiting drive-up uses in the Historic Interest Area, which consists of the four National Register of Historic Places-listed historic districts. As initially proposed, the amendment would have simply added exception language to allow existing drive-up uses within the Historic Interest Area to relocate to a new site elsewhere within the C-1 or C-1-D zoned portions of the Historic Interest Area provided that they were located "*predominantly underground or otherwise screened from view from the public right-of-way.*"

The application explains that the amendment proposal is being made by Ashland Food Co-op as applicant, noting that both the Co-op and its neighbor Umpqua Bank are keenly aware of parking challenges at their sites. The Co-op would like to pursue the purchase of the adjacent bank property to

expand their building and add parking, however the bank wishes to remain in the Historic Interest Area near the downtown and to keep a drive-up window for its customers. As currently regulated, the bank could not relocate elsehwhere in the Historic Interest Area without a Variance, and any modification to the existing drive-up use on the current site would be subject to a Conditional Use Permit for modification of the existing non-conforming drive-up use.

The applicants assert that the current prohibition on new drive-up uses in the Historic Interest Area combined with the non-conforming status of the four existing drive-up uses in the area, and the resultant requirement that these uses obtain discretionary approvals (i.e. Conditional Use Permits or Variances) for any modification of their non-conforming uses serve to prevent upgrades to or redevelopment of these sites, as the financial institutions holding the existing drive-up permits are inherently risk-averse and unwilling to move forward with costly projects when their outcomes are uncertain and subject to signficant levels of discretion. The application suggests that the proposed code amendment would facilitate more serious discussions between the Ashland Food Co-op and Umpqua Bank by removing one of the perceived barriers to the Co-op acquiring the bank's property to better address parking in their vicinity. More broadly, the application suggests that in removing the perceived barrier posed by having to obtain Conditional Use Permit approval to redevelop, the requested ordinance changes could facilitate the redevelopment of the sites of current drive-up uses in a manner more in keeping with current design standards while at the same time minimizing the impacts of the relocated drive-up uses to the Historic Interest Area. During testimony at the Planning Commission hearings in May and June, opponents to the requested amendment argued that the barrier posed by requiring Conditional Use Permit approval was by design, and was intended to encourage these drive-up uses to relocate outside of the Historic Interest Area over time.

In considering the requested amendment, the Planning Commission recognized the potential benefit that could arise from the proposal in allowing the four existing drive-up uses in the Historic Interest Area to relocate and thereby opening the possibility for redevelopment of their current sites according to current standards, however the Commission felt strongly that any lessening of the current prohibition needed to carefully consider potential adverse impacts to the built environment and pedestrian-friendly, human-scale character of the National Register of Historic Places-listed Historic Interest Area. The Commission ultimately recommended that if the four drive-up uses are to be allowed to relocate without the discretionary consideration of a Conditional Use Permit as proposed, the proposed ordinance amendment should be modified beyond the initial proposal of the applicant in order to minimize the adverse impacts that the current prohibition on drive-up uses in the Historic Interest Area was enacted to avoid with the addition of the following performance standards and design requirements:

- That relocation of the four existing drive-up uses or redevelopment of their existing sites in the Historic Interest Area (HIA) be allowed as a "Special Permitted Use" within the C-1 and C-1-D zoned portions of the HIA subject to "Type II" Site Review.
- That regardless of the number of drive-up windows/lanes in use in the current drive-up location, with relocation or redevelopment under this amendment the number of windows/lanes be reduced to one.
- That existing approved drive-up uses not currently in use in the HIA would continue to be unable to be transferred into the HIA. Relocation of the existing uses or redevelopment of existing sites in the HIA would be limited to the four existing financial institutions; all other uses would remain subject to existing regulations within

the HIA.

- That with relocation or redevelopment, drive-up uses may only be placed on a non-street (other than an alley) facing secondary building elevation, and only accessed from an alley or driveway.
- That drive-up uses be clearly defined, and that this definition include all drive-up components (i.e. the kiosk, canopy or other structures, window, driveway and queuing lane). All components of a drive-up use shall be removed from the building/site within 60 days of discontinuation of the use through transfer, relocation or redevelopment.
- That driveways serving relocated drive-up uses may not enter from or exit to a higher order street frontage or through a primary elevation of the building, and that there is to be no placement of driveways or queuing lanes between a building and the right-of-way other than an alley.
- That no demolition of or exterior change to buildings considered to be historic resources be allowed to in order to accommodate the relocation of a drive-up use or redevelopment of its site through this amendment.
- That a ministerial permit be required for the transfer of any drive-up use when such transfer is not associated with a Site Review application. Uses which are discontinued without a properly permitted transfer shall be deemed to have expired after being unused for six (6) months.

The Planning Commission found that with the addition of these standards and requirements, the proposed amendment may serve to encourage redevelopment of one or more of these bank sites to bring them more into compliance with current standards, thereby working to improve the streetscape character within the Historic Interest Area while minimizing adverse impacts posed by the existing drive-up uses by more carefully regulating their placement and access. With this in mind, the Planning Commission recommended that Council approve the amendment with the additional standards and requirements listed above.

FISCAL IMPLICATIONS:
N/A.

STAFF RECOMMENDATION AND REQUESTED ACTION:
Should the Council concur with the Planning Commission and support allowing redevelopment or relocation of drive-up uses within Ashland's Historic Interest Area (HIA) without requiring Conditional Use Permit approval to encourage redevelopment according to current standards, staff would recommend that Council approve first reading by title only of the ordinance with the additional requirements recommended by the Planning Commission, and move it to second reading.

Should the Council believe that transferring and establishing a drive-up window use at a "new" site within the Historic Interest Area runs contrary to past and present policy of "discouraging" and prohibiting these types of uses with the HIA, then Council should direct staff to modify the proposed ordinance in order to reflect this position.

SUGGESTED MOTION:
Move to approve first reading by title only of the ordinance titled, "An ordinance amending Section 18.32.025 of the Ashland Land Use Ordinance to provide for the relocation or redevelopment of four

financial institutions' existing, non-conforming drive-up uses in Ashland's Historic Interest Area" and move it on to second reading.

ATTACHMENTS:
Proposed Ordinance
Explanatory Matrix of Current and Proposed Regulations
Record of the Planning Action

CITY OF
ASHLAND

RECORD FOR PLANNING ACTION #2012-00265

PLANNING ACTION: #2012-00265
SUBJECT PROPERTY: C-1 & C-1-D zoned portions of the Historic Interest Area
APPLICANT: Ashland Food Co-Op
DESCRIPTION: A request for a legislative amendment to amend the Ashland Municipal Code as it relates to drive-up uses in Commercial districts. Drive-up uses are currently allowed only as "special permitted uses" in the portions of the C-1 zoning district east of a line drawn perpendicular to Ashland Street at its intersection with Siskiyou Boulevard. Drive-up uses are explicitly prohibited in the Historic Interest Area as defined in the Comprehensive Plan. The proposal would provide exception language allowing existing drive-up uses in the Historic Interest Area to redevelop on-site or relocate to new sites elsewhere in the Historic Interest Area provided that the relocated or redeveloped drive-up use would be located predominantly underground or otherwise screened from view from the right-of-way.

BEFORE THE PLANNING COMMISSION
City of Ashland, Jackson County, Oregon
July 24, 2012

IN THE MATTER OF PLANNING ACTION #2012-00265, A REQUEST FOR A LEGISLATIVE AMENDMENT TO AMEND THE ASHLAND MUNICIPAL CODE AS IT RELATES TO DRIVE-UP USES IN COMMERCIAL DISTRICTS. DRIVE-UP USES ARE CURRENTLY ALLOWED ONLY AS SPECIAL PERMITTED USES IN THE PORTIONS OF THE C-1 ZONING DISTRICT EAST OF A LINE DRAWN PERPENDICULAR TO ASHLAND STREET AT IT'S INTERSECTION WITH SISKIYOU BOULEVARD. DRIVE-UP USES ARE EXPLICITLY PROHIBITED IN THE HISTORIC INTEREST AREA AS DEFINED IN THE COMPREHENSIVE PLAN. THE PROPOSAL WOULD PROVIDE EXCEPTION LANGUAGE ALLOWING EXISTING DRIVE-UP USES IN THE HISTORIC INTEREST AREA TO REDEVELOP ON-SITE OR RELOCATE TO NEW SITES ELSEWHERE IN THE HISTORIC INTEREST AREA PROVIDED THAT THE RELOCATED OR REDEVELOPED DRIVE-UP USE WOULD BE LOCATED PREDOMINANTLY UNDERGROUND OR OTHERWISE SCREENED FROM VIEW FROM THE RIGHT-OF-WAY.	**RECOMMENDATION**
APPLICANT: Ashland Food Co-Op	

RECITALS:

1) The application is a request for a Legislative Amendment to amend the Ashland Municipal Code as it relates to drive-up uses in Commercial districts. Drive-up uses are currently allowed only as "special permitted uses" in C-1 zoning districts, but only in the area east of a line drawn perpendicular to Ashland Street at its intersection with Siskiyou Boulevard. Drive-up uses are explicitly prohibited in the Historic Interest Area defined in the Comprehensive Plan. The application proposes to provide for exception language allowing existing drive-up uses in the Historic Interest Area to redevelop on their existing sites or relocate to new sites elsewhere within the Historic Interest Area, provided that the relocated drive-up use would be located predominantly underground or otherwise screened from view from the public right-of-way.

2) A Legislative Amendment is defined in AMC 18.08.345 and is subject to the requirements for a Legislative Amendment described in AMC 18.108.170 as follows:

> ***SECTION 18.08.345 Legislative amendment.***
> *An amendment to the text of the land use ordinance or the comprehensive plan or an amendment of the zoning map, comprehensive plan maps or other official maps including the street dedication map described in section 18.82.050, for land involving numerous parcels under diverse ownerships.*

SECTION 18.108.170 Legislative Amendments.

A. It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.

B. A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.

C. An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.

D. Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.

E. No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.

3) The Planning Commission, following proper public notice as required in AMC 18.108.170.D., scheduled a public hearing on May 8, 2012 at which time testimony was received and exhibits were presented. Following public testimony, the Commission continued the hearing to the regular meeting of June 12, 2012 in order to allow time for the Transportation Commission to review and comment on the proposal at it's May 24, 2012 meeting. At the continued public hearing on June 12, 2012 testimony was received and exhibits were presented. Following the closing of the public hearing, the Planning Commission deliberated and recommended that the City Council approve the proposed Legislative Amendment subject to additional performance standards and design requirements to minimize potential impacts to the Historic Interest Area.

Now, therefore, the Planning Commission of the City of Ashland recommends as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, and Miscellaneous Exhibits lettered with an "M"

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that it has received all information necessary to make a recommendation based on the Staff Report, public hearing testimony and the exhibits received.

2.2 The Planning Commission finds that the proposal for a Legislative Amendment to amend the Ashland Municipal Code as it relates to drive-up uses in Commercial districts meets all applicable criteria for the approval of Legislative Amendment as described in Chapter 18.108.170. The Planning Commission accordingly recommends approval of the Legislative Amendment with the addition of specific performance standards and design requirements which are delineated in 2.6 below.

2.3 The Planning Commission finds that the original Transportation Element of Ashland's Comprehensive Plan, adopted in 1982, included a policy explicitly discouraging the use of drive-up windows with the stated intent of limiting both fuel consumption and air pollution associated with vehicle idling while waiting at drive-ups. In keeping with this policy, in 1984 the city adopted Ordinance #2313 which defined a drive-up use as "any establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles," set standards for the development of drive-up uses, required Conditional Use Permits for the approval of drive-up uses, and limited the total number of drive-up uses in the city to the 12 in place on July 1, 1984 plus one additional drive-up use for each additional 1,250 persons added to the state-certified population census for the city. As part of that ordinance, drive-up uses were prohibited in Ashland's Historic Interest Area as defined in the Comprehensive Plan (see attached Staff Exhibit S-1), and existing drive-up uses within the Historic Interest Area were rendered non-conforming.

In 1992, the ordinance was amended to make drive-up's a Special Permitted Use rather than a Conditional Use, and to limit the number of drive-up uses allowed in the city to the 12 that were in place on July 1, 1984 with no allowance to increase this number with increased population. By ordinance, drive-up uses are allowed to be transferred between users and locations, subject to the requirements of the Ordinance, but the total number of approved drive-up uses allowed in the city remains at the 12 which were in place on July 1, 1984. These include:

1.	**250-300 N. Pioneer St./Umpqua Bank**	*(Historic Interest Area & Zoned E-1)*
2.	**67 E. Main St./Wells Fargo Bank**	*(Historic Interest Area)*
3.	**30 N. Second St./U.S. Bank**	*(Historic Interest Area)*
4.	**243 E. Main St./Chase Bank**	*(Historic Interest Area)*
5.	2290 Ashland St./Taco Bell	
6.	2235 Ashland St./Premier West Bank	
7.	2280 Ashland St./Bi-Mart Pharmacy	

8.	1652 Ashland St./Dutch Bros.
9.	1500 Siskiyou Blvd./People's Bank
10.	1624 Ashland St./Wendy's
11.	512 Walker Ave./Sterling Savings Bank
12.	Inactive *(was previously McDonalds', now reportedly held – but not currently in use - by Rogue Federal Credit Union)*

The Commission finds that of the 12 existing drive-up permits, all four of those currently established in the Historic Interest Area are financial institutions. The Commission further finds that in reviewing the historic district survey descriptions of these properties, none of these buildings is considered to be a contributing resource to the districts, and with the exception of US Bank, the narrative descriptions within the inventory cite the buildings' relationships to the sidewalk or streetscape, or site lay-out to accommodate drive-up uses, as key factors in their lack of compatibility with the historic character of the district.

The Planning Commission further finds that the Transportation Element of the Comprehensive Plan as revised in 1996 no longer contains an explicit policy discouraging drive-up uses, since it was unnecessary due to the ordinance already in place limiting these uses. However, the current Transportation Element retains policies which continue to support discouragement of drive-up uses, including:

> **X.II-1** *"Promote decreased auto use and increased walking and bicycling, public transportation, ride sharing and other transportation demand management techniques."*
>
> **X.II-6** *"Encourage businesses to inform customers of available non-auto access to the business locations and to support customer use of non-auto access."*

The Commission further finds that the Comprehensive Plan and its implementing ordinances encourage human scale development with a balanced approach to transportation rather than taking a primarily auto-centric approach to development. The city's design standards encourage designs which limit the adverse impacts of the automobile on the built environment in large part by minimizing, carefully placing and screening parking areas and driveways while emphasizing a high standard of urban design and a strong relationship between buildings and the pedestrian streetscape. City standards and requirements place special emphasis on the Historic Interest Areas, and particularly the downtown. Ashland's Downtown Design Standards explicitly discourage auto-centric uses in the downtown (VI.J-6), and the removal of off-street parking requirements in the downtown, downtown design standards, and prohibition on drive-up's in the Historic Interest Area all work to create a pedestrian friendly environment with a continuous storefront streetscape at the sidewalk.

The Planning Commission finds that the application proposes an amendment to the Land Use Ordinance which currently explicitly prohibits drive-up uses in the Historic Interest Area. Ashland's Historic Interest Area consists of the four National Register of Historic Places-listed

Ashland's Historic Interest Area consists of the four National Register of Historic Places-listed historic districts. As initially proposed by the applicants, the amendment would add exception language to the ordinance to allow existing drive-up uses within the Historic Interest Area to relocate to a new site elsewhere within the C-1 or C-1-D zoned portions of the Historic Interest Area provided that they are located "*predominantly underground or otherwise screened from view from the public right-of-way.*"

The Commission further finds that the application explains that the amendment proposal is being made by Ashland Food Co-op as applicant, noting that both the Co-op and its neighbor Umpqua Bank are keenly aware of parking challenges at their sites. The Co-op would like to pursue the purchase of the adjacent bank property to expand their building and add parking, however the bank wishes to remain in the Historic Interest Area near the downtown and to keep a drive-up window for its customers. As currently regulated, the bank could not relocate elsehwhere in the Historic Interest Area without a Variance, and any modification to the existing drive-up use on the current site would be subject to a Conditional Use Permit for modification of an the existing non-conforming use due both to its location within the Historic Interest Area and outside of the C-1 zoning district where drive-up uses are allowed. The applicants assert that the current prohibition on new drive-up uses in the Historic Interest Area combined with the non-conforming status of existing drive-up uses in that area, and the resultant requirement that these uses obtain discretionary approvals (i.e. Conditional Use Permits or Variances) for any modification of their non-conforming uses serve to prevent upgrades to or redevelopment of these sites, as the financial institutions holding the existing drive-up uses are inherently risk-averse and unwilling to move forward with costly projects when their outcomes are uncertain and subject to obtaining discretionary approvals. As such, the proposed amendment would provide for these relocations through the Site Review process as a "Special Permitted Use", which has considerably less discretion.

The Planning Commission finds that the application suggests that the changes proposed would facilitate more serious discussions between the Ashland Food Co-op and Umpqua Bank by removing one of the perceived barriers to the Co-op acquiring the bank's property to better address parking in their vicinity, and more broadly suggests that in removing the perceived barrier posed by discretionary approval requirements, the requested ordinance changes could facilitate the redevelopment of the sites of current drive-up uses in a manner more in keeping with city design standards while minimizing the impacts of the relocated drive-up uses to the Historic Interest Area.

2.4 The Planning Commission finds that while the original regulation of drive-up uses was tied to issues of fuel consumption and air quality, their prohibition in the Historic Interest Area goes beyond these concerns to the more general discouragement of auto-centric uses in order to maintain the downtown's historic, pedestrian friendly character. Ashland's various standards seek to limit the adverse impacts of auto-centric design on the built environment in large part by minimizing, carefully placing and screening parking and circulation areas while emphasizing a high standard of urban design and a strong relationship between buildings and the pedestrian

centric uses in the Downtown Design Standards (VI.J-6) and directing that the city shall use its discretionary authority to deny new auto-centric uses while still providing for the improvement of existing facilities; largely eliminating requirements to provide required parking on site; and prohibiting drive-up uses to provide for a continuous storefront presence at the sidewalk that engages pedestrians and remains compatible with historic development patterns.

The Commission finds that drive-up uses by their very nature are designed to accommodate automobiles, and the concern with their placement in the Historic Interest Area is that auto-centric design can often occur to the detriment of a human scale pedestrian environment. The Commission further finds that specific concerns center on impacts to the built environment in terms of altering building relationships to the street, scale, proportion, rhythm of openings and horizontal rhythms, breaking up the continuous storefront presence to accommodate drive-up windows and associated vehicular circulation. In addition, placement of driveways with cars crossing the sidewalk, or queuing into the sidewalk, from an underground drive-up could substantially alter the pedestrian streetscape and impact safety and visibility.

2.5 The Planning Commission finds that the issue of discretion is a key consideration of the request. The relocation of the four existing drive-up uses within the Historic Interest Area could be handled with discretionary review through the Conditional Use Permit process to assure all potential impacts, including architectural compatibility, of each use are considered in a manner appropriate to the individual circumstances of each site and proposal. However, the Commission recognizes the applicants' concerns with discretionary Conditional Use Permit approval standards as at least a perceived barrier to the redevelopment of the four existing drive-up sites in the Historic Interest Area (Umpqua Bank, Wells Fargo Bank, Chase Bank and US Bank) and further recognizes that with the removal of this perceived barrier most of these sites have the potential for substantial redevelopment that under current standards could benefit the character of the downtown streetscape.

The Commission finds that in order to protect the historic built environment and pedestrian friendly character of the Historic Interest Area, it is important that any modification of the ordinance ensure that with redevelopment or relocation of drive-up uses, they be limited to secondary building elevations; that queuing lanes not be placed between building and the right-of-way other than an alley; that no more than one window or queuing lanes be allowed regardless of the number currently in use; that if the subject property abuts an alley, access to and from the drive-up be from the alley; that there be no access from a higher order street or through a primary building elevation; and that no demolition of buildings considered to be historic resources be permitted to facilitate the relocation or redevelopment of drive-up uses. The Commission further finds that while placement of drive-up uses underground or in some other manner which screens them entirely from view from the right-of-way may be appropriate for some sites it could lead to greater impacts to the rhythm of openings, and the need to provide barriers when drive-up uses are close; the larger concern for the Commission is in minimizing the impacts of drive-up uses to the streetscape by carefully regulating their placement and access as detailed above.

The Commission finds that the proposed modification is being considered as a means to encourage redevelopment of the sites of the four existing drive-up use permit holders already operating within the Historic Interest Area, all of which are financial institutions, and that the proposed modifications should be similarly limited to apply only to financial institutions, rather than encouraging uses of a more auto-centric nature or of a drastically different character within the Historic Interest Area.

The Commission further finds that the transfer of any drive-up use between users or sites, when such transfer is not associated with a Site Review application, should be subject to a ministerial permit. AMC 18.32.025.E.3.h limits the number of drive-up uses to the 12 which were in place on July 1, 1984 and provides for their transfer provided they meet all applicable requirements. The Commission finds that for purposes of maintaining an accurate record of the approved uses and verifying their compliance with applicable requirements, that those transfers not requiring Site Review approval should be required to obtain a ministerial permit.

2.6 The Planning Commission recognizes the potential benefit that could arise from the proposal in allowing the four existing drive-up uses in the Historic Interest Area to relocate and thereby opening the possibility for redevelopment of their current sites according to current standards, however the Commission finds that any lessening of the current prohibition needs to be carefully considered for the potential adverse impacts to the built environment and pedestrian-friendly, human-scale character of the National Register-listed Historic Interest Area. If the four drive-up uses are to be allowed to relocate without the discretionary consideration of a Conditional Use Permit as proposed, the Commission finds that the proposed ordinance amendment should be modified in order to minimize the adverse impacts that the current prohibition on drive-up uses in the Historic Interest Area was enacted to avoid with the addition of the following performance standards and design requirements:

- That relocation of the four existing drive-up uses or redevelopment of their existing sites in the Historic Interest Area (HIA) be allowed as a "Special Permitted Use" within the C-1 and C-1-D zoned portions of the HIA subject to "Type II" Site Review approval.
- That regardless of the number of drive-up windows/lanes in use in the current drive-up location, with relocation or redevelopment under this amendment the number of windows/lanes be reduced to one.
- That existing approved drive-up uses not currently in use in the HIA would continue to be unable to be transferred into the HIA. Relocation of the existing uses or redevelopment of existing sites in the HIA would be limited to the four existing financial institutions; all other uses would remain subject to existing regulations within the HIA.
- That with relocation or redevelopment, drive-up uses may only be placed on a non-street (other than an alley) facing secondary building elevation, and only accessed from an alley or driveway.

- That drive-up uses be clearly defined, and that this definition include all drive-up components (i.e. the kiosk, canopy or other structures, window, driveway and queuing lane). All components of a drive-up use shall be removed from the building/site within 60 days of discontinuation of the use through transfer, relocation or redevelopment.
- That driveways serving relocated drive-up uses may not enter from or exit to a higher order street frontage or through a primary elevation of the building, and that there is to be no placement of driveways or queuing lanes between a building and the right-of-way other than an alley.
- That no demolition of or exterior change to buildings considered to be historic resources be allowed to in order to accommodate the relocation of a drive-up use or redevelopment of its site through this amendment.
- That a ministerial permit be required for the transfer of any drive-up use when such transfer is not associated with a Site Review application. Uses which are discontinued without a properly permitted transfer shall be deemed to have expired after being unused for six (6) months.

2.7 The Planning Commission finds that with the standards and requirements recommended in 2.6 above, the proposed amendment may serve to encourage redevelopment of one or more of these bank sites to bring them more into compliance with current standards, thereby working to improve the streetscape character within the Historic Interest Area while minimizing adverse impacts posed by the existing drive-up uses by more carefully regulating their placement and access.

SECTION 3. DECISION

3.1 Based on the record of the Public Hearing on this matter, the Planning Commission recommends that the Council approve Planning Action #2012-00265 and adopt the associated ordinance amendments.

Melanie Hamilton — July 24, 2012

Planning Commission Approval — Date

Commissioners Kaplan/Heesacker m/s to nominate Michael Dawkins as vice chair of the Planning Commission. Voice Vote: all AYES. Motion passed 6-0.

It was agreed Commissioner Marsh would lead this meeting since Mindlin is not present.

PUBLIC HEARINGS

A. **PLANNING ACTION: #2012-00265**
APPLICANT: Ashland Food Cooperative
LOCATION(S): C-1- & C-1-D-zoned portions of Ashland's "Historic Interest Area"
REQUEST: A proposal to amend the Ashland Municipal Code (AMC 18.32.035.E) as it relates to drive-up uses in Commercial districts. Drive-up uses are currently a special permitted use in the C-1 zoning district, but only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. Drive-up uses are currently explicitly prohibited in the Historic Interest Area as defined in the Comprehensive Plan. The proposed legislative amendment is to provide exception language which would apply only to existing drive-up uses within the Historic Interest Area and would allow them to relocate to a new site elsewhere within the Historic Interest Area provided that they are located predominantly underground or otherwise screened from view from the public right-of-way. ***[Continued from May 8, 2012 meeting]***

Staff Report

Associate Planner Derek Severson explained the proposal before the Commission would modify the regulations in the C-1 and C-1-D districts relative to drive-up uses in the Historic Interest Area. Under the current regulations, new drive-up uses are prohibited and any modification to the existing uses (Umpqua Bank, Wells Fargo, US Bank, Chase Bank) requires a conditional use permit. Mr. Severson stated this proposal would modify the requirements to allow redevelopment/relocation of drive-ups elsewhere in the Historic Interest Area subject to site review approval as a special permitted use.

Mr. Severson stated the initial public hearing was continued to allow review by the Transportation Commission, and the draft minutes from that meeting have been provided. He explained at the end of the Transportation Commission's discussion the members were polled and two members were negative, one was neutral, one was slightly positive, and one abstained. There were no specific concerns or recommendations issued by the Transportation Commission. Mr. Severson noted the matrix included in the packet materials and stated the areas in blue identify the areas affected by this proposal. He clarified Umpqua Bank is addressed separately in the matrix because they are in a split-zoned property and neither zone allows drive-up uses.

Mr. Severson briefly reviewed the staff recommendations and asked for the Commission's feedback on the issue of visibility and screening.

Commission Comments

Comment was made questioning how you would eliminate visibility and that this provision seems impractical for buildings that are surrounded by streets. Additional comment was made that there is some benefit to seeing how many cars are in the cue; and as long as it is not intrusive on the neighborhood, visibility is not a major concern.

Applicant's Presentation

Mark Knox/Mr. Knox voiced their support for excluding food and beverage uses and requiring ministerial permits for tracking. He stated they do not see any negative associations with this proposal and believe it will provide the ability for economic development, historic preservation, and the redevelopment of surface parking lots into main street facades. He stated without this proposal these sites will continue to exist in their current state and will not be redeveloped to Ashland's standards. Mr. Knox stated he understands some people believe downtown should be pedestrian only, but this is not realistic. He stated drive-ups (excluding fast food) provide a central service to the elderly population for banking and pharmacy needs. He added inclement weather and night time/security concerns are other reasons people choose to use drive-ups. He stated this proposal will provide an opportunity for this service to work, and will provide better screening and fewer lanes than exist now.

Richard Katz/Stated this is a strange situation for the Food Co-op and they are here to improve their facility for the good of their patrons and owners. He stated this is the only option they have available. Mr. Katz stated a lot of Ashland's population visits the Co-op on a regular basis, with over 3,000 transactions per day, and they are following the lead of their owners who say time

after time that parking is a major issue for them. He added this proposal is not just for the Co-op to have more parking, but addresses their desire to make their site safer, easier to get around, and less congested.

Comment was made that the Commission's decision is not predicated on the needs of the Co-op, and rather on the policy change they have brought forward.

Mr. Katz stated aside from the needs of the Co-op, they believe this amendment has merit.

Public Testimony

Catherine Shaw/886 Oak Street/Stated the drive-up ordinance was a component of the overall redevelopment of downtown and at that time they did a number of things to encourage people to walk. She stated the idea of making downtown completely car free was abandoned, but what they had hoped back then was that drive-up windows would eventually be eliminated. She stated these were hard fought battles that should remain. Ms. Shaw stated it's the bustle of the downtown that creates a vibrant community and voiced her opposition to drive-up windows. She stated significant effort has been made to create a more walkable downtown, which is better for Ashland's businesses and economy, and Ashland needs to walk the talk.

Colin Swales/143 Eighth Street/Stated he is a member of the Transportation Commission and is also their liaison to the Planning Commission. Mr. Swales recommended the three service stations in this area be looked at as part of this amendment. He stated just as some would like to see the drive-ups disappear from downtown, he would also like to see the gas stations disappear. Mr. Swales cited two minor corrections in the draft minutes from the Transportation Commission. He also commented on a sex shop drive thru in Alabama and cautioned the Commission about this possibility. He added he is one of the Transportation Commissioners who voted against this proposal.

Cate Hartzell/892 Garden Way/Stated she is an owner of the Co-op and opposes this change. She thanked Ms. Shaw for speaking on the intent of the original ordinance and stated there should be a compelling reason for considering this change. Ms. Hartzell questioned if this proposal would protect the integrity of the original ordinance or move the City further along in achieving its Comprehensive Plan goals. She noted the City goals to reduce vehicle trips and reduce pollution and encouraged the Commission to consider the risks of vehicles intersecting with pedestrians in areas where they are trying to intensify pedestrians. She noted the City of Corvallis has two Co-ops and it has worked well. She added there is a lot of commercial space available in Ashland right now and perhaps the Co-op could find other alternatives.

Applicant's Rebuttal

Mark Knox/Noted his respect for Ms. Shaw and stated during her tenure as mayor a lot of efforts were made that have shaped Ashland in a positive way. However he believes their proposal is misunderstood. He clarified they are not proposing to increase the number of drive-up uses permitted, but rather to allow them to redevelop to meet the current standards. He stated this proposal addresses eighteen different policies that are to the benefit of the Comprehensive Plan. He stated this is a minor tweak that will have a very positive impact. He added if the Commission is concerned about the potential for drive up sex stores, they should limit this change to financial institutions, which is what the applicant originally proposed.

Commissioner Marsh closed the record and the public hearing at 7:50 p.m.

Deliberations & Decision

Commissioner Dawkins motioned to deny Planning Action #2012-00265. Motion failed due to lack of a second.

Mr. Molnar reminded the Commission this is a recommendation to the City Council and requested they provide guidance in addition to direction.

Commissioners Brown/Kaplan m/s to recommend Council's approval of Planning Action #2012-00265. DISCUSSION: Brown stated the existing drive-ups are a hazard and there is no way for these to change under the current ordinance. He stated this is an opportunity to change drive-thrus to alleys and side streets and get that traffic off the main street. He stated he would like to provide banks the opportunity to change their configuration or relocate in the downtown, and believes this modification should be limited to financial institutions. He added he believes this will result in a better downtown. Marsh asked if the motion includes staff's recommendations. Brown clarified his motion is to exclude food and beverage related uses and limit it to

financial institutions; and also for uses which are discontinued without a properly permitted transfer to be deemed expired after unused for 6 months, instead of 12. Kaplan stated he is divorcing this proposal from the Co-op's needs and sees this as an opportunity to give financial institutions the opportunity to do something that would be better for the City. Staff clarified this proposal would provide more flexibility for the four bank locations to redevelopment and add the ability for them to relocate. Dawkins spoke against the motion and voiced support for Ms. Shaw's comments. He stated things worked just fine before there were drive-ups in town and it is a convenience of our auto-centric society that we support things like this. He stated the City should be trying to eliminate all drive-thrus and have people get out of their cars. Marsh stated she resonates with Ms. Shaw's description for how the downtown was developed, however downtown should have been made retail only and there is no likelihood of these banks leaving anytime soon. She voiced her support for the motion and stated it could motivate these businesses to redevelop and would also reduce crossings, reduce the number of drive-up lanes, and improve the environment.

Commissioner Marsh noted her desire to address the screening and visibility issue, and motioned to amend the recommendation at the top of page 4 of the staff report to read: *"That with relocation or redevelopment, drive-up uses only be placed in a basement or on a non-street facing (other than an alley) secondary building elevation, only accessed from an alley or driveway ~~and no components of the relocated/redeveloped drive-up (i.e. structure, kiosk, window or queuing lane but not the driveway component) may be visible from adjacent streets other than an alley.~~"* **Brown seconded this and accepted it as a friendly amendment.**

Commissioner Kaplan recommended they remove the word "basement" from the above recommendation. **Brown seconded this as a friendly amendment.**

Roll Call Vote on Motion as Amended: Commissioners Kaplan, Brown, Heesacker, Miller and Marsh, YES. Commissioner Dawkins, NO. Motion passed 5-1.

Commissioner Miller asked if they could submit concerns to Council along with the recommendation. Staff noted the Findings and Minutes will be provided. Commissioner Marsh stated it is inappropriate for commissioners to submit personal comments and instead the Council should be encouraged to watch the taped recordings.

B. **PLANNING ACTION: #2012-00575**
SUBJECT PROPERTY: 1155 East Main Street
APPLICANT: City of Ashland/Ashland Police Department
DESCRIPTION: A request for Site Review approval to construct a 3,016 square foot addition and associated site improvements for the Ashland Police Department located at 1155 East Main Street. This addition is the first phase of a multi-phase project over the next five years; subsequent phases will include a 1,975 square foot addition, additional parking, and site improvements to bring the site more in line with current standards. COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP #: 39 1E 10; TAX LOT #: 900.

The Commission took a short recess and performed a site visit. The meeting reconvened at 8:30 p.m.

Marsh read aloud the public hearing procedures for land use hearings.

Ex Parte Contact
All commissioners attended the site visit; no ex parte contact was reported.

Staff Report
Associate Planner Derek Severson presented the staff report and noted the subject property is located behind the Police Department and Council Chambers. He explained this application is for site review approval to construct a 3,016 sq. ft. addition to the police station, and this would be the first phase of a multi-phased construction project. Mr. Severson provided an overview of the site plan, building elevations, project phasing, tree protection plan, and landscape plan; and noted staff's recommendation for the sense of entry to be improved to make it a more people friendly space through the use of landscaping and hardscaping. Mr. Severson listed the recommendations from the Tree Commission to supplement the existing hedge buffer with two additional trees and for tree #50 to be retained and protected. He noted the nearby neighbors spoke at the Tree Commission meeting and requested measures be taken to soften the exposure to the existing ratio antenna, parking, and building roof to the extent possible. He stated the other concerns that have been raised by the neighbors include: 1) the placement of the addition,

Planning Commission
Speaker Request Form

1) Complete this form and return it to the Secretary prior to the discussion of the item you wish to speak about.
2) Speak to the Planning Commission from the table podium microphone.
3) State your name and address for the record.
4) Limit your comments to the amount of time given to you by the Chair, usually 5 minutes.
5) If you present written materials, please give a copy to the Secretary for the record.
6) You may give written comments to the Secretary for the record if you do not wish to speak.
7) Speakers are solely responsible for the content of their public statement.

Name Catherine M. Shaw
(please print)
Address (no P.O. Box) 886 Oak St.
Phone 482-9843 **Email** CathyShaw@mind.net
Tonight's Meeting Date 6-12-12

Regular Meeting

Agenda item number VII **.OR** **Topic for public forum (non agenda item)** _____
Drive-Ups

Land Use Public Hearing

For: _____ **Against:** _____

Challenge for Conflict of Interest or Bias

If you are challenging a member (planning commissioner) with a conflict of interest or bias, please write your allegation complete with supporting facts on this form and deliver it to the clerk immediately. The Chair will address the written challenge with the member. Please be respectful of the proceeding and do not interrupt. You may also provide testimony about the challenge when you testify during the normal order of proceedings.

Written Comments/Challenge: _____

The Public Meeting Law requires that all city meetings are open to the public. Oregon law does not always require that the public be permitted to speak. The Ashland Planning Commission generally invites the public to speak on agenda items and during public forum on non-agenda items unless time constraints limit public testimony. No person has an absolute right to speak or participate in every phase of a proceeding. Please respect the order of proceedings for public hearings and strictly follow the directions of the presiding officer. Behavior or actions which are unreasonably loud or disruptive are disrespectful, and may constitute disorderly conduct. Offenders will be requested to leave the room.

Comments and statements by speakers do not represent the opinion of the City Council, City Officers or employees or the City of Ashland.

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4) Limit your comments to the amount of time given to you by the Chair, usually 5 minutes.
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6) You may give written comments to the Secretary for the record if you do not wish to speak.
7) Speakers are solely responsible for the content of their public statement.

Name COLIN SWALES

Address (no P.O. Box) (please print) 143 8TH ST.

Phone 840 **Email** colinswales@gmail.com

Tonight's Meeting Date JUNE 12 2012

Regular Meeting

Agenda item number VII **OR** **Topic for public forum (non agenda item)** DRIVE-UP.

Land Use Public Hearing

For: _____ **Against:** _____

Challenge for Conflict of Interest or Bias

If you are challenging a member (planning commissioner) with a conflict of interest or bias, please write your allegation complete with supporting facts on this form and deliver it to the clerk immediately. The Chair will address the written challenge with the member. Please be respectful of the proceeding and do not interrupt. You may also provide testimony about the challenge when you testify during the normal order of proceedings.

Written Comments/Challenge: _____

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Planning Commission
Speaker Request Form

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3) State your name and address for the record.
4) Limit your comments to the amount of time given to you by the Chair, usually 5 minutes.
5) If you present written materials, please give a copy to the Secretary for the record.
6) You may give written comments to the Secretary for the record if you do not wish to speak.
7) Speakers are solely responsible for the content of their public statement.

Name Cate Hartzell
(please print)
Address (no P.O. Box) 892 Garden Way, Ashland
Phone 541-482-4111 **Email** _____
Tonight's Meeting Date 6-12-12

Regular Meeting

Agenda item number _____ **OR** **Topic for public forum (non agenda item)** _____

Land Use Public Hearing

For: _____ **Against:** X

Challenge for Conflict of Interest or Bias

If you are challenging a member (planning commissioner) with a conflict of interest or bias, please write your allegation complete with supporting facts on this form and deliver it to the clerk immediately. The Chair will address the written challenge with the member. Please be respectful of the proceeding and do not interrupt. You may also provide testimony about the challenge when you testify during the normal order of proceedings.

Written Comments/Challenge: I believe this proposed change works against the intent of the original rule & the Comprehensive Plan.

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Comments and statements by speakers do not represent the opinion of the City Council, City Officers or employees or the City of Ashland.

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

ASHLAND PLANNING COMMISSION
REGULAR MEETING
JUNE 12, 2012
AGENDA

I. CALL TO ORDER

II. ANNOUNCEMENTS

III. CONSENT AGENDA

A. Approval of Minutes

1. April 24, 2012 Study Session
2. May 8, 2012 Regular Meeting
3. May 22, 2012 Study Session

IV. PUBLIC FORUM

V. UNFINISHED BUSINESS

A. Approval of Findings for PA-2012-00018, 2220 Ashland Street.

VI. NEW BUSINESS

A. Election of Officers.

VII. PUBLIC HEARINGS

A. PLANNING ACTION: #2012-00265
APPLICANT: Ashland Food Cooperative
LOCATION(S): C-1- & C-1-D-zoned portions of Ashland's "Historic Interest Area"
REQUEST: A proposal to amend the Ashland Municipal Code (AMC 18.32.035.E) as it relates to drive-up uses in Commercial districts. Drive-up uses are currently a special permitted use in the C-1 zoning district, but only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. Drive-up uses are currently explicitly prohibited in the Historic Interest Area as defined in the Comprehensive Plan. The proposed legislative amendment is to provide exception language which would apply only to existing drive-up uses within the Historic Interest Area and would allow them to relocate to a new site elsewhere within the Historic Interest Area provided that they are located predominantly underground or otherwise screened from view from the public right-of-way.
[Continued from May 8, 2012 meeting]

CITY OF ASHLAND

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

B. PLANNING ACTION: #2012-00575
SUBJECT PROPERTY: 1155 East Main Street
APPLICANT: City of Ashland/Ashland Police Department
DESCRIPTION: A request for Site Review approval to construct a 3,016 square foot addition and associated site improvements for the Ashland Police Department located at 1155 East Main Street. This addition is the first phase of a multi-phase project over the next five years; subsequent phases will include a 1,975 square foot addition, additional parking, and site improvements to bring the site more in line with current standards. COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP #: 39 1E 10; TAX LOT #: 900.

C. PLANNING ACTION: #2012-00573
APPLICANT: City of Ashland
LOCATION: Not property-specific
ORDINANCE REFERENCE: 18.108.170 Legislative Amendments
REQUEST: A Legislative Amendment is proposed to adopt a new "Chapter XV - Regional Plan" element to the City of Ashland Comprehensive Plan to incorporate applicable portions of the Greater Bear Creek Valley Regional Problem Solving Plan ("the RPS Plan") and to acknowledge revised population allocations for the City of Ashland. Jackson County recently adopted the RPS Plan which identifies urban reserve areas to accommodate a doubling of the region's population, but before the RPS Plan can take effect, each of the six participating cities in the region (Ashland, Talent, Phoenix, Medford, Central Point and Eagle Point) must adopt the applicable portions of the plan into their comprehensive plans and implementing ordinances. (Ashland is the only participating city which has not identified urban reserves as the city's existing urban growth boundary was determined to be sufficient to accommodate anticipated growth. Adoption of the new element incorporates those portions of the Regional Plan applicable to Ashland as a signatory participant with no identified urban reserves.)

VIII. ADJOURNMENT

CITY OF ASHLAND

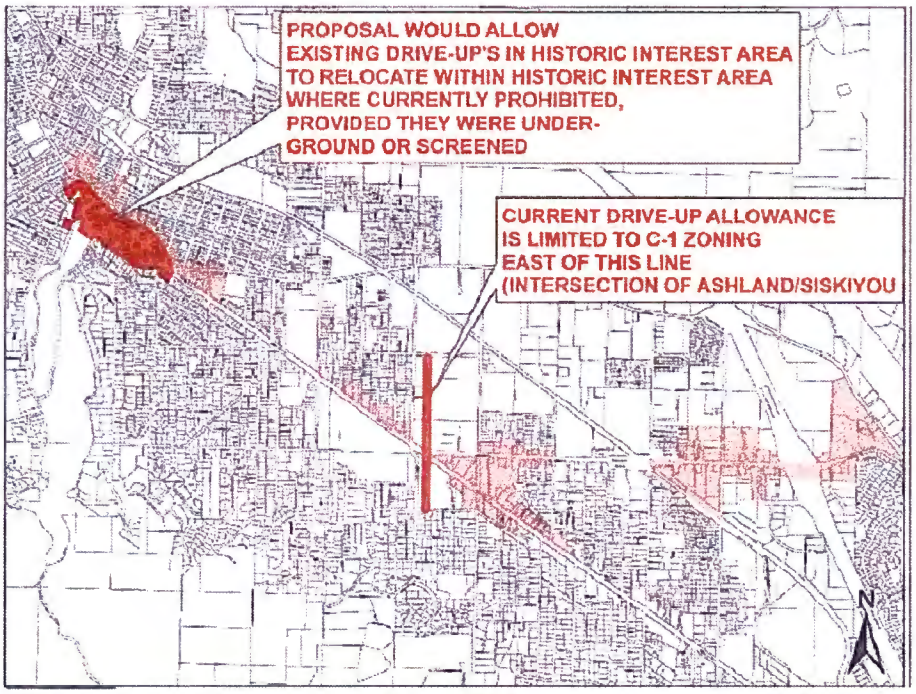
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

Planning Department, 51 Winbu. ,ay, Ashland, Oregon 97520
541-488-5305 Fax: 541-552-2050 www.ashland.or.us TTY: 1-800-735-2900

CITY OF ASHLAND

PLANNING ACTION: PL-2012-00265
SUBJECT PROPERTY: C-1 & C-1-D Portions of the Historic Interest Area (*See map below*)
OWNER/APPLICANT: Ashland Food Co-op
DESCRIPTION: The Planning Commission will conduct a public hearing to consider a proposed Legislative Amendment to amend the Ashland Municipal Code (AMC 18.32.035.E) as it relates to drive-up uses in Commercial districts; this is a continuance of the public hearing which began on May 8th. Drive-up uses are currently allowed only as "special permitted uses" in the C-1 zoning district, but only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. Drive-up uses are currently explicitly prohibited in the Historic Interest Area as defined in the Comprehensive Plan, and the four existing drive-up uses in place in the Historic Interest Area are considered to be legal non-conforming uses. The proposal is to provide exception language which would apply only to the four existing drive-up uses within the Historic Interest Area and allow them to relocate to new sites elsewhere within the Historic Interest Area provided that their drive-up windows be located predominantly underground (in a basement) or otherwise screened from view from the public right-of-way.

ASHLAND PLANNING COMMISSION MEETING: *June 12th, 2012 at 7:00 PM, Ashland Civic Center (1175 E. Main St.)*



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.
A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winbum Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

AMC 18.108.170 Procedure for Legislative Amendments

A. *It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.*
B. *A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.*
C. *An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.*
D. *Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.*
E. *No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.*

CURRENT DRIVE-UP REGULATIONS

AMC 18.32.035.E Drive-up uses as defined and regulated as follows

1. Drive-up uses may be approved in the C-1 District only, and only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard.
2. Drive-up uses are prohibited in Ashland's Historic Interest Area as defined in the Comprehensive Plan.
3. Drive-up uses are subject to the following criteria:

    a. The average waiting time in line for each vehicle shall not exceed five minutes. Failure to maintain this average waiting time may be grounds for revocation of the approval.
    b. All facilities providing drive-up service shall provide at least two designated parking spaces immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.
    c. A means of egress for vehicular customers who wish to leave the waiting line shall be provided.
    d. The grade of the stacking area to the drive-up shall either be flat or downhill to eliminate excessive fuel consumption and exhaust during the wait in line.
    e. The drive-up shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.
    f. Sufficient stacking area shall be provided to ensure that public rights-of-way are not obstructed.
    g. The sound level of communications systems shall not exceed 55 decibels at the property line and shall otherwise comply with the Ashland Municipal Code regarding sound levels.
    h. The number of drive-up uses shall not exceed the 12 in existence on July 1, 1984. Drive-up uses may be transferred to another location in accord with all requirements of this section. The number of drive-up window stalls shall not exceed 1 per location, even if the transferred use had greater than one stall.

AFFIDAVIT OF MAILING

STATE OF OREGON)
County of Jackson)

The undersigned being first duly sworn states that:

1. I am employed by the City of Ashland, 20 East Main Street, Ashland, Oregon 97520, in the Community Development Department.

2. On May 24, 2012 I caused to be mailed, by regular mail, in a sealed envelope with postage fully prepaid, a copy of the attached planning action notice to each person listed on the attached mailing list at such addresses as set forth on this list under each person's name for Planning Action ~~#2011-01523~~ 2012-00365, Historic Design Standards.

Carolyn Schwermer
Signature of Employee

G:\comm-dev\planning\Forms & Handouts\Affidavit of Mailing_Planning Action Notice.doc

PA-2012-00265 DRIVE UP CODE
WELLS FARGO BANK
ATTN. BRANCH MANAGER
67 MAIN ST E.
ASHLAND, OR 97520

PA-2012-00265 DRIVE UP CODE
CHASE BANK
ATTN. BRANCH MANAGER
243 MAIN ST E.
ASHLAND, OR 97520

PA-2012-00265 DRIVE UP CODE
U.S. NATIONAL BANK
ATTN. BRANCH MANAGER
30 SECOND ST N.
ASHLAND, OR 97520

PA-2012-00265 DRIVE UP CODE
UMPQUA BANK
ATTN. BRANCH MANAGER
250 PIONEER ST. N
ASHLAND, OR 97520

PA-2012-00265 DRIVE UP CODE
CRATER NATL BANK (MFR)
INDUSTRY CONSULTING GROUP
PO BOX 810490
DALLAS TX, 753810490

PA-2012-00265 DRIVE UP CODE
MITTLEMAN PROPERTIES
FLEAHMAN LEIGH
2800 EAST LAKE STREET
MINNEAPOLIS MN, 55406

PA-2012-00265 DRIVE UP CODE
ASHLAND FOOD CO-OP
ATTN. MGR RICHARD KATZ
237 FIRST ST N.
ASHLAND, OR 97520

PA-2012-00265 DRIVE UP CODE
FIRST INTERSTATE BANK/OR NA
% THOMSON PROP TAX SVCS
P O BOX 2609
CARLSBAD CA, 92018

PA-2012-00265 DRIVE UP CODE
VALLEY OF THE ROGUE BANK
1 COLUMBIA ST STE #1400
PORTLAND OR, 97258

PA-2012-00265 DRIVE UP CODE
URBAN DEVELOPMENT SVCS.
ATTN. MARK KNOX
485 NEVADA ST W.
ASHLAND, OR 97520

PA-2012-00265 DRIVE UP CODE
COLIN SWALES
143 EIGHTH ST
ASHLAND, OR 97520

PA-2012-00265 DRIVE UP CODE
ASHLAND DAILY TIDINGS
ATTN. VICKI ALDOUS
P O BOX 1108
MEDFORD, OR 97501

☐ ALSO SENT TO ODOT WITH PACKET (ADDS)

1224
5-[redacted]-2012
Downtown Drive Up Codes

ASHLAND PLANNING DIVISION
STAFF REPORT ADDENDUM #1
June 12th, 2012

PLANNING ACTION:	PL #2012-0265
APPLICANT:	Ashland Food Cooperative
LOCATION:	C-1- & C-1-D-zoned portions of the Historic Interest Area (See Attached Exhibit S-1)
ORDINANCE REFERENCE:	18.08 Definitions 18.32 Commercial (C-1) 18.72 Site Design Review 18.104 Conditional Uses 18.108.170 Legislative Amendments

REQUEST: A proposal to amend the Ashland Municipal Code as it relates to drive-up uses in Commercial districts. Drive-up uses are currently allowed only as "special permitted uses" in C-1 zoning districts, but only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. Drive-up uses are explicitly prohibited in the Historic Interest Area defined in the Comprehensive Plan. The proposal would provide exception language allowing existing drive-up uses in the Historic Interest Area to redevelop on their existing sites or relocate to new sites elsewhere within the Historic Interest Area, provided that the relocated drive-up use would be located predominantly underground or otherwise screened from view from the public right-of-way.

I. Relevant Facts

A. Background - History of the Application

At the Planning Commission's May 8th, 2012 regular meeting, the public hearing on this matter was opened. The proposed legislative amendment would change the existing regulations for drive-up uses to allow existing uses in the commercially-zoned portions of the city's "Historic Interest Area" to relocate, or remodel on their current sites, without requiring Conditional Use Permits. Currently, drive-up uses are prohibited in the Historic Interest Area and the four existing drive-up uses are considered to be non-conforming, so any substantive modification requires a Conditional Use Permit which provides for a degree of discretionary review while requiring the Planning Commission to evaluate impacts in comparison to the target use of the zoning district. As proposed in the amendment, these uses would be able to relocate or remodel on site with only a Site Review permit provided that the components of the drive-up use were predominantly underground or otherwise screened from view.

The proposed amendment is being initiated by the Ashland Food Co-op, which has expressed an interest in acquiring the adjacent property at 250 North Street currently owned and occupied by Umpqua Bank. Their hope is that acquisition of the property and relocation of the existing bank use would allow them to pursue options for expansion while better addressing parking issues in the area. However, under the current regulations Umpqua Bank could not readily relocate in the downtown area if they wanted to retain their existing drive-up window. With this in mind, the Co-op has initiated the proposed legislative amendment, suggesting that the proposed amendment would let them begin discussions with Umpqua Bank, and that on a broader level it might encourage some of the three other banks with drive-up windows in the "Historic Interest Area" (Wells Fargo, Chase & U.S. Bank) to consider redeveloping their sites. It should be noted that the current request is limited to the legislative amendment which the Co-op hopes would enable further discussion with their neighbors; there is no proposal for modifications to the existing sites or uses of the Co-op or Umpqua Bank at this time and any such request would require a separate land use action.

At the hearing, planning staff recommended that if the Commission were supportive of the amendment, that they include additional design standards and requirements to minimize potential impacts to the Historic Interest Area.

Following public testimony, Commissioners discussed whether relocation or redevelopment should be limited to the four existing financial institutions, if more leeway should be allowed to permit pharmacy drive-up windows, or if there should simply be a restriction that the amendment would not apply for food-related uses. The Commission also discussed whether these applications should automatically trigger a public hearing. The Planning Commission ultimately continued the matter to their June 12th meeting in order to allow for review and comment on the proposal by the Transportation Commission at its May 24th meeting.

II. Project Impact

A. Transportation Commission Review

The Transportation Commission considered the request at its May 24th meeting. Following testimony and Commissioner discussion, the Commission polled its members as to whether they were positive, negative or neutral with regard to the proposed legislative amendment. Two of those present were "*neutral to negative*", two were "*neutral to positive*", and one abstained from the vote. There were no specific concerns expressed through a motion and no specific recommendations with regard to potential impacts to the transportation system. Draft minutes of this meeting will be provided at the Planning Commission meeting.

B. Matrix

Staff has prepared a matrix to make clear the current and proposed regulations, and has attached it as **Staff Exhibit S-5.**

III. Procedural - Required Burden of Proof

18.108.170 Legislative Amendments

A. *It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.*

B. *A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.*

C. *An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.*

D. *Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.*

E. *No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.*

IV. Conclusions and Recommendations

Based on last month's Commission discussion, staff has slightly revised the previous recommendations to incorporate the issues raised in terms of requiring a public hearing for each of these applications and considering limitations on food-related uses. Should the Commission ultimately wish to forward a favorable recommendation to the Council for the proposed amendment, Staff would recommend that the following items be incorporated into any ordinance amendment:

- That relocation of the four existing uses or redevelopment of their existing sites in the Historic Interest Area (HIA) be allowed as a Special Permitted Use within the C-1 and C-1-D zoned portions of the HIA subject to **"Type II"** Site Review approval.
- **That regardless of the number of drive-up windows/lanes in use in the current location, with a relocation or remodel under this amendment the number of windows/lanes would be required to be reduced to one.**
- That existing approved drive-up uses not currently in use in the HIA would be unable to be transferred into the HIA. **Relocation of existing uses or redevelopment of existing sites in the HIA would not be permitted for food- or beverage-related uses, which would remain subject to existing regulations within the HIA.** (*May also simply wish to consider simply limiting to financial institutions*).

- That with relocation or redevelopment, drive-up uses only be placed in a basement or on a **non-street facing (other than an alley)** secondary building elevation, only accessed from an alley or driveway, and no components of the relocated/redeveloped drive-up (i.e. structure, kiosk, window or queuing lane - but not the driveway component) may be visible from adjacent streets other than an alley.
- That driveways serving relocated drive-up uses may not enter from or exit to a higher order street frontage or through a primary elevation of the building, and that there is to be no placement of driveways or queuing lanes between a building and the right-of-way other than an alley.
- That no demolition of or exterior change to buildings considered to be historic resources be allowed to accommodate the relocation of a drive-up use or redevelopment of its site through this amendment.
- That all components of a drive-up use shall be removed within 60 days of discontinuation of the use through transfer, relocation or redevelopment.
- That a ministerial permit be required for the transfer of any drive-up use when such transfer is not associated with a Site Review application. Uses which are discontinued without a properly permitted transfer shall be deemed to have expired after being unused for 12 months.

STAFF EX. S-5 DRIVE-UP USES IN HIA	Redevelop on site (C-1/C-1-D) within HIA	Redevelop on site (E-1/Umpqua[1]) within HIA	Relocate in HIA (C-1/C-1-D)	Relocate Outside of HIA
Current Ordinance	**Type I Conditional Use Permit** if altering how non-conforming use or site related to standards. No review would be required if there were no alterations. (*Any type of drive-up use could transfer to site.*)	**Type I Conditional Use Permit** if altering how non-conforming use or site related to standards. No review would be required if there were no alterations. (*Any type of drive-up use could transfer to site.*)	Would not be allowed without obtaining a Variance[2].	**C-1:** Subject to Site Review provided location was east of the intersection of Siskiyou and Ashland. **E-1:** Would not be allowed.
Proposed Amendment as Recommended	**Type II Site Review as a "Special Permitted Use"** if altering how non-conforming use or site relate to standards, non-food uses would be subject to recommended standards. (*Food & Beverage-related uses would remain subject to a Conditonal Use Permit.*)	**Type I Conditional Use Permit** if altering how non-conforming use or site related to standards. No review would be required if there were no alterations. (*Any type of drive-up use could transfer to site.*)	If alterning how non-conforming use or site related to standards, non-food uses would require **Type II Site Review as a Special Permitted Use** subject to recommended standards. (*Food-related uses would not be allowed to relocate without obtaining a Variance[2].*)	*No change is proposed to current regulations.* **C-1:** Subject to Site Review provided location was east of the intersection of Siskiyou and Ashland. **E-1:** Would not be allowed.

Notes:

1 - Umpqua Bank is unique among the four financial institutions in the HIA because it is on a split-zoned (E-1/R-2) site. Neither zoning designation allows drive-up uses, and it is thus non-conforming both for its location in the HIA and its zoning. The proposed amendment would allow it to relocate elsewhere in the HIA, but only in C-1 or C-1-D zoned areas where drive-up uses are allowed.

*2 - In staff's view it would be exceedingly difficult to obtain a Variance for these purposes, as the applicants would need to not only demonstrate a site-specific circumstance necessitating the Variance, that it would have benefits outweighing any negative impacts, that it would further the purposes of the ordinances and comprehensive plan which generally discourage auto-centric uses downtown, and that it was not self-imposed by the applicants' business model, but would also need to address limitations on Variances which generally prevent their use to **" to allow a use that is not in conformity with the uses specified by this Title for the district in which the land is located. "***

Oregon
John A. Kitzhaber, M.D., Governor

Department of Transportation
Region 3
3500 NW Stewart Parkway
Roseburg, OR 97470
Phone: (541) 957-3692/Fax: (541) 957-3547
Thomas.Guevara@odot.state.or.us

June 1, 2012

Derek Severson, Associate Planner
City of Ashland Planning
51 Winburn Way
Ashland, OR 97520

Re: Ashland Food Co-Op Legislative Amendment to C-1 & C-1-D Portions of Historic Interest Area

Mr. Sevenson:

Thank you for sending public notice on the proposed Legislative Amendment to Ashland Municipal Code Section 18.32.035.E as it relates to drive-up uses in Commercial Districts to allow four existing drive-up uses within the Historic Interest Area to relocate to new sites elsewhere within the Historic Interest Area. We reviewed the proposed project and determined it does not significantly affect state transportation facilities under Oregon's Transportation Planning Rule or Access Management Rule. We have no further comments at this time.

You may contact me at 541-957-3692 if you have questions or require additional information.

Sincerely,

Thomas Guevara Jr.

THOMAS GUEVARA JR.
Development Review Planner

Environment

Co-op seeks loosening of drive-thru rules

Store hopes to buy neighboring land, but under 1984 city law, bank's drive-thru access could be lost if it moves elsewhere in the downtown

By Vickie Aldous
Ashland Daily Tidings
June 01, 2012 2:00 AM

An Ashland law that limits drive-thru windows in town has a new and unexpected opponent — the Ashland Food Co-op.

Adopted in 1984 in an effort to curb vehicle pollution and auto-centric development, the law allows only 12 drive-thru windows in Ashland. Drive-thru windows were banned in Ashland's historic downtown area, except for four that already existed and were grandfathered in.

The idea was that those four drive-thru windows might someday disappear as the properties changed uses.

The co-op, which is located in the historic downtown area, doesn't want a drive-thru window for itself.

But the busy grocery store — which often has a jam-packed parking lot — is interested in purchasing the property next door that houses Umpqua Bank. The co-op could then expand its parking area, according to city planning documents.

A deal between the co-op and bank is unlikely unless Umpqua can get city approval for a drive-thru window within the historic downtown area.

The co-op has proposed a change in the law to allow relocating the four grandfathered drive-thru windows in the historic downtown. To minimize visual impacts, the drive-thru facility would have to be located mainly underground or be screened from view from public streets.

Under the proposal, the four downtown sites that have drive-thru windows could also be remodeled without going through an onerous and risky planning process, as would be required now.

The other eight drive-thru windows in Ashland already can be transferred between users and locations, as long as they remain southeast of the intersection of Siskiyou Boulevard and Ashland Street, clustered mainly in the business area around Exit 14.

Co-op General Manager Richard Katz emphasized that the store has no deal in place with Umpqua Bank, but an easing of the city's restrictions on downtown drive-thru windows could open the door for productive negotiations.

The co-op moved to its current site at 237 N. First St. in 1993, before the area saw a flurry of

development, Katz said.

"We felt we had found a neighborhood that would accommodate us," he said.

As time went on, the neighborhood got more crowded as businesses sprouted along nearby A Street and downtown workers in Main Street and Lithia Way businesses began using the neighborhood for parking, Katz said.

The co-op's business also boomed, to the point where it now serves more than 3,000 customers per day, he said.

"We didn't know how successful we would be. The response to our store has been fantastic," Katz said. "We probably have one of the most popular and well-used parking lots in town."

In customer surveys, parking is listed as their biggest concern, he said.

The co-op has looked at relocating or using valet or remote parking, but those ideas aren't very feasible, he said.

The co-op began discussions with Umpqua Bank six years ago, but bank officials have been concerned about losing their drive-thru window if they moved the branch to a different downtown location, Katz said.

Katz said allowing the relocation of downtown drive-thru windows and easing the remodeling process for the four bank properties with windows could ultimately improve Ashland's appearance.

U.S. Bank is an example of modern International Style and contributes to Ashland's historical heritage, but Wells Fargo, Umpqua and Chase are not historically compatible with the downtown, according to planning documents.

In fact, the historic Ashland Hotel, a grand turreted structure that dominated a full block downtown, was razed in 1961 to make way for the plain, flat-roofed Wells Fargo building, according to planning documents.

Katz said the bank buildings are prime candidates for renovations that could make them more attractive and historically compatible with the downtown area.

The proposal to loosen city rules on the downtown drive-thru windows has recently gone before the Planning Commission and Transportation Commission, and is due back before the Planning Commission in June.

Some commissioners have voiced support for elements of the proposal, such as easing the banks' ability to remodel their properties, but have raised concerns about other aspects, including the increased chance that the drive-thru windows would stay in operation indefinitely in the downtown area, rather than fading away over time.

Planning staff members have recommended rules to minimize impact. The rules would include that the facilities be located primarily underground, be accessible only from a driveway or alley and not be visible from any adjacent streets.

The Planning Commission will take up the issue again at 7 p.m. June 12 in the Ashland Civic Center Council Chambers, 1175 E. Main St. The issue could go before the Ashland City Council for a final decision in mid-July, according to city staff.

Staff reporter Vickie Aldous can be reached at 541-479-8199 or vlaldous@yahoo.com.

ASHLAND TRANSPORTATION COMMISSION
DRAFT MINUTES OF AGENDA ITEM: DRIVE-UP USES
MAY 24, 2012

Drive-up Uses:
Type III PLANNING ACTION: #2012-00265
APPLICANT: Ashland Food Cooperative
LOCATION(S): C-1- & C-1-D-zoned portions of Ashland's "Historic Interest Area"
REQUEST: A proposal to amend the Ashland Municipal Code (AMC 18.32.035.E) as it relates to drive-up uses in Commercial districts. Drive-up uses are currently a special permitted use in the C-1 zoning district, but only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. Drive-up uses are currently explicitly prohibited in the Historic Interest Area as defined in the Comprehensive Plan. The proposed legislative amendment is to provide exception language which would apply only to existing drive-up uses within the Historic Interest Area and would allow them to relocate to a new site elsewhere within the Historic Interest Area provided that they are located predominantly underground or otherwise screened from view from the public right-of-way.

Staff Report
Senior Planner Brandon Goldman introduced the planning action as a land use application which is a legislative amendment to the code previously referenced and would set forth standards that would be applied to drive-up uses within the historic district. He explained the current code limits 12 drive-up uses within the city of which four are financial institutions located within the historic district. The businesses that would be impacted by the proposal of the applicant and subsequently subject to new requirements if approved by Council are: Wells Fargo Bank (67 E Main), U.S. Bank (30 N Second), Chase Bank (243 E Main) and Umpqua Bank (250 N Pioneer).

Mr. Goldman explained the applicants presented the concept to the Transportation Commission at the pre-application stage prior to drafting the code. The Planning Commission opened the public hearing on the proposed ordinance amendment at their May 8, 2012 meeting and felt it would be beneficial to hear input from the Transportation Commission before making a formal recommendation to Council on June 12, 2012.

Mr. Goldman stated issues that came up during the staff evaluation were addressed on page 9 of 9 in the staff report section of the application. He noted in particular staff recommended criteria of approval specifically related to transportation read:
That driveways serving relocated drive-up uses may not enter from or exit to a higher order street frontage or through a primary elevation of the building, and that there is to be no placement of driveways or queuing lanes between a building and the right -of-way other than an alley.

He added the proposal intends to change the code so if one of the four institutions were to relocate elsewhere within the historic district they would be able to do so. Currently there is a prohibition on new drive-ups within the historic district. The code amendment would allow drive-ups when relocating; but would not increase the number allowed.

Questions of Staff
The following questions and comments were issued to staff:

- The existing policy would hopefully phase out drive-up uses in the downtown area and yet the staff report states more general discouragement of auto-centric uses in order to maintain the downtown historic districts character. Is the policy/staff discouraging auto drive-up uses?
  Staff stated all buildings would be subject to the historic design standards and staff will look at relocating, not increasing the number of drive-up uses.
- Commissioner questioned existing and new gas stations under the purview of this proposal.
  Staff stated drive-up uses are separate and distinct from automobile fuel sales.
- What if a fast food restaurant bought one of the downtown area buildings with an existing drive-up?

Staff stated they could do so under the existing code, but would have to go through a conditional use permit and site review.

- Comment was made concerning the language stating the Transportation Commission had previously heard and commented on the application. This is a misstatement as they have heard, but have not deliberated on it. Suggestion was made to provide information to the Conservation Commission as it pertains to emissions and could affect their mission policy.
  Staff responded it is not an application for the Ashland Cooperative (Co-op) to expand parking; it is an application for an ordinance change.
- Commissioners commented the ordinance change is driven with future parking in mind.
  Staff added it is a separate issue; if this application is approved it does not automatically approve the location of additional parking. Mr. Goldman explained it is a legislative amendment proposed by an applicant and described the process for application approval.
- Will there always be four downtown drive-up uses?
  Staff stated four or less. Staff added at six months of non-use, the drive-up use can expire.
- Questioned zoning of the Co-op and Umpqua Bank.
  Staff deferred question to the applicant.
- What is the city policy on encouraging large scale surface parking in this type of zone?
  Staff explained parking requirements are based on the use, and to discourage large expansive lots the city has a cap of 10% of the square footage of a building which cannot be exceeded.

Commissioner Hammond left the meeting at 6:54 p.m.

Applicant's Presentation

Mark Knox, Urban Development Services, Applicant's Representative addressed the commission. He stated in general the goal is not to increase the number of drive-ups uses, but to look at a variety of comprehensive plan policies. The goal would be to identify a system and include language that would allow and encourage redeveloping of the existing drive-up properties. He encouraged questions and feedback from the Transportation Commission.

Richard Katz, General Manager of Ashland Food Cooperative addressed the Commission. Mr. Katz stated the Co-op moved to the location 20 years ago and described it as a mostly residential area at that time. The business has tripled in the last 10 years causing the need to expand and accommodate parking issues to meet the needs of the Co-op's patrons. He added half of the citizens of Ashland are not only shoppers, but are owners of the Co-op. He acknowledged the concern of emissions that are caused by patrons idling and driving around looking for a place to park. He shared his vision of how the Co-op would utilize the Umpqua Bank property if they were able to occupy the space.

Questions of Applicant

- Is the goal for redevelopment of the existing drive-up businesses driven by the need, aesthetically, to conform architecturally to the character of downtown, i.e. redeveloping as banks, but with a different look?
  Applicant stated the goal was to accomplish all the existing codes in place, including discouragement of auto-centric uses.
- Would a change to the ordinance affect existing drive-up businesses retroactively or only if redeveloped?
  Applicant and staff stated only if redeveloped.

Rebuttal by the Applicant

Mark Knox/Clarified and emphasized the conclusions and recommendations of the Planning Commission as illustrated on page 8 and 9 of the packet provided.

Deliberations and Decision

Chair Young felt it was onerous for the commission to make thoughtful suggestions or decisions without the benefit of the Planning Commission's ideas prior to the meeting. Commissioner Swales stated the purview of the Transportation Commission was to focus on the transportation system plan and the multi-modal future and

encouraged the Co-op and Planning Commission to look at creative options that would support the mission.

Chair Young asked the commissioners to express their decision on the ordinance change as being net negative, net neutral or net positive. **Commission Swales, negative; Commissioner Ryan, negative; Commissioner Gardiner, neutral; Commissioner Vièville, in between neutral and negative; and Chair Young, neutral, slightly positive.**

SOU Student Liaison, Honorè Depew commented on the vague language of the amendments to the ordinance which could potentially provide loopholes and cause potential abuse.

Chair Young summarized the majority of the Commission as leaning negative to neutral. He added Mr. Depew's comment was neutral, although he is not a voting member but wanted to acknowledge his comment.

Mr. Goldman stated the events of the meeting will be forwarded to the Planning Commission and added if the commissioners had any further comments specifically related to the suggested criteria for approval, they should submit them prior to June 12, 2012.

Prior to the conclusion of the meeting Commissioner Vièville withdrew her neutral-negative position and changed it to an abstention as she had not read the packet due to technical difficulties with her document reader and the City's pdf format.

ASHLAND TREE COMMISSION
PLANNING APPLICATION REVIEW COMMENT SHEET
JUNE 7, 2012

PLANNING ACTION: PA-2012-00575
SUBJECT PROPERTY: 1155 East Main Street
APPLICANT: City of Ashland/Ashland Police Department
DESCRIPTION: A request for Site Review approval to construct a 3,016 square foot addition and associated site improvements for the Ashland Police Department located at 1155 East Main Street. This addition is the first phase of a multi-phase project over the next five years; subsequent phases will include a 1,975 square foot addition, additional parking, and site improvements to bring the site more in line with current standards.
COMPREHENSIVE PLAN DESIGNATION: Employment; **ZONING:** E-1; **ASSESSOR'S MAP #:** 39 1E 10; **TAX LOT #:** 900

Recommendation:

1) The Commission recommended that tree #50 be preserved
2) The Commission also recommended that a two more trees be planted in the western planting strip abutting the residential zone to the west.

Department of Community Development
51 Winburn Way
Ashland, Oregon 97520
www.ashland.or.us

Tel: 541-488-5350
Fax: 541-552-2050
TTY: 800-735-2900

CITY OF ASHLAND

June 9, 2012

Dear Ashland Tidings/Mail Tribune:

As a loyal Ashland Food Co-op member and shopper, I am very disturbed that the Co-op is spending so much time, effort, and money trying to change the local drive-thru banking law.

First, I would have thought that online banking is fast making drive-thru banking obsolete.

Second, contrary to the Co-op's constant talk of *sustainability*, an auto-centric approach to life is clearly NOT sustainable. Instead of supporting more cars, more driving, and more pollution -- especially in the historic downtown area -- the Co-op should be encouraging *sustainable* ways of getting around.

I usually bike to the Co-op, but when I drive there, I never have to park more than a block away. For health-conscious Ashland, walking one block should not be a problem, and in fact, might be a very good idea. For those who can't walk, handicapped parking is available right outside the Co-op's door.

Third, the cost of building underground *anything*, let alone bank drive-thrus, would seem to be prohibitive, as well as ridiculous for a town the size of Ashland.

I would like to see my Co-op drop its fixation on parking and place that energy on the more appropriate areas of good, healthy food; sustainable, healthy agricultural practices; sustainable modes of transportation; and community-building.

Julia Sommer
Ashland

cc: Ashland Food Co-op, Ashland Planning Commission

April Lucas

From: Colin Swales [colinswales@gmail.com]
Sent: Tuesday, June 12, 2012 9:48 AM
To: April Lucas
Subject: Co-Op Ordinance Change.

April,

I saw in the PC's packet a copy of the recent Tidings article by Vickie Aldous

Co-op seeks loosening of drive-thru [sic] rules

Store hopes to buy neighboring land, but under 1984 city law, bank's drive-thru access could be lost if it moves elsewhere in the downtown":

Since then there has been even more newspaper coverage (and comments) - including 2 letters just today.

Could you please make a hard copy for all commissioners - as not all get email - and also add the following to the "Record" for this planing action?

thanks

Colin

****

Tidings Editorial

Posted: 2:00 AM June 08, 2012

The Ashland Food Co-op's proposal to change the city's no-new-drive-thrus ordinance to free up parking strikes us — and others — as counterintuitive for a business associated with buzzwords such as "green," "sustainable" and "locavore." The city should proceed with extreme caution.

The ordinance in question dates back to 1984. It limited the total number of drive-thrus citywide to 12, and banned them from downtown entirely except for four existing drive-thrus that were grandfathered in.

City leaders expected and hoped that the downtown drive-thrus eventually would go away, never to return. That hasn't happened. All four are operated by banks — US Bank, Chase, Wells Fargo and Umpqua.

Enter the Co-op, which gets frequent complaints from customers about insufficient parking at busy times of the day. Co-op management would like to cut a deal to buy the Umpqua Bank property next door, allowing the Co-op to expand its parking.

But the drive-thru ordinance wouldn't allow Umpqua to move to another downtown location and keep its drive-thru. So the Co-op wants the city to amend the ordinance.

The proposal would allow the four grandfathered drive-thrus to relocate, as long as they were moved underground or screened from view from nearby streets. The proposal also would let the banks remodel their buildings without going through a complicated planning process

Co-op General Manager Richard Katz says that could make the buildings more attractive and historically compatible with the rest of the downtown district.

That sounds good. But if the city's intent is still to see the drive-thrus eventually disappear, easing remodeling rules and letting them relocate will only ensure they will never leave.

A bank that pays to put its drive-thru underground isn't likely to abandon it anytime soon.

The drive-thru issue aside, it is worth asking if the Co-op is adhering to its own principles in addressing the problem of an overcrowded parking lot, or if it is taking the path of least resistance rather than looking for creative solutions.

The Co-op website indicates the business has adopted an approach called The Natural Step, featuring "The Four Principles of Sustainability." The first of those is to "eliminate our contribution to the progressive buildup of substances extracted from the Earth's crust (for example, heavy metals and fossil fuels)."

If the Co-op's No. 1 sustainability goal is to reduce the use of fossil fuels, expanding the parking lot would seem to be exactly the wrong way to go about it.

Comment:

Rafferty
This is great! This letter brings up some very valid points. Does anyone think the "drive anywhere you go" SUV-toting, retiree transplants care much about environmental stewardship? Many are in denial, but these folks are quickly becoming the majority in this town, so the extended parking lots will be in our future along with other regressive changes. Though they think they're fighting the power just by shopping at the co-op, philosophically they aren't much different from other quasi conservative exiled suburbanites. Does anyone think that law from the 1980s anticipating growing auto-centric development could be passed by the city council today? I seriously doubt it. For those willing to walk a block or two, there's always parking in the neighborhood.
juliamsommer
I agree whole-heartedly. Well done!
****

Posted: 2:00 AM June 06, 2012

Some perspective on drive-through

The genesis of Ashland's drive-through-window ordinance wasn't pollution (as reported), it was about community engagement: The more we get out of our cars, the more we interact, window shop and potentially buy from local businesses. Further, restrictions help keep fast-food chains out of the downtown, so beware of what you wish for.

Important to the discussion is that the A Street neighborhood was taking off long before the Co-op moved in. Further, its previous location, near US Bank, enjoyed more revenue per square foot than any co-op in America (according to Co-op Banks of America), so how could they possibly be surprised at current business volume?

Besides, parking isn't the problem; layout of the parking lot is (as noted during the planning process). The deal is, the Co-op board eschewed the empty Cantwell's Market location and the bank sweetened the package to win them over. Decisions were made: live with it.

Besides, there's plenty of parking nearby in underused lots where the Co-op should purchase use of existing space. Patrons can also help by bundling their errands or walking to do their shopping. And the Co-op could encourage off-hour shopping by offering 10 percent discounts between 5 and 8 p.m. when the bank is closed.

Catherine M. Shaw

Posted: 2:00 AM June 06, 2012

Money will change drive-through rule

I'm confident the Ashland Food Co-op will have no difficulty working with the city of Ashland and Umpqua Bank to develop more parking spaces for the many SUVs currently occupying the Co-op's small, crowded parking lot (Tidings, June 1).

Big money talks. The city will approve a drive-thru window in the downtown area for Umpqua Bank — and all will be well here in DeBoerville.

I suggest that both parking lots be painted green — in keeping with the local progressive attitude toward sustainability. In this way, Ashland's reusable-cloth-bag liberals can brag about the greenness of their Co-op. It makes perfect sense.

Robert Simms

Ashland

****

Posted: 2:00 AM June 07, 2012

Food Co-op should promote ride-share

I am responding to "Ashland Co-op proposes change to drive-through law" by Vickie Aldous. As a member/owner of the Ashland Food Co-op, I would like to see the Co-op put as much effort into promoting a ride-share among its members and Rogue Valley Transportation District use as it does toward trying to secure the use of more parking spots.

Allowing Umpqua Bank to transfer the location of its drive-through window seems reasonable and fair, but is only a short-term fix. As the Co-op continues to grow in operation, it will continue to perpetuate an ever-increasing need for more parking space. Just as it responded to the values of its membership when it ceased single-serving water bottle sales, I believe that the Co-op should lead the way toward reduced dependence upon cars.

Cynthia Parkhill

Middletown, Calif.

****

Posted: 2:00 AM June 12, 2012

Drive-thrus serve important purpose

In 1984 when the issue of drive-up windows was debated in Ashland, the average age of Americans was less than today, and most of the decision makers in the drive-up window deliberations still had many more years of vigorous activity.

It was a credit to the community that the issue was debated, but with the passing years and the aging of Ashland's population and with the accompanying disabilities associated with age, the reality is that some drive-up windows, particularly for essential services such as banking, have a valid place. Sometimes it is too painful, difficult, risky (such as in icy conditions), or inconvenient for people to park and walk into a bank or other business.

And sometimes, with kids in the car, it is difficult for parents to shepherd active kids or carry a sleeping child into a restaurant to buy food.

The issue then becomes how many drive-up windows do we want, and once installed, do businesses get to move the windows? The ordinance limiting the amount of drive-up windows has served Ashland well. Perhaps there should be a tax on the sale or exchange of them or the issuing of them to pay for non-automobile transportation improvements. And since it seems we should keep some drive-up windows, we probably ought to allow them to be moved.

Brent Thompson

Ashland

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Co-op should drop fixation on parking

As a loyal Ashland Food Co-op member and shopper, I am very disturbed that the Co-op is spending so much time, effort and money trying to change the local drive-thru banking law.

First, I would have thought that online banking is fast making drive-thru banking obsolete.

Second, contrary to the Co-op's constant talk of sustainability, an auto-centric approach to life is clearly not sustainable. Instead of supporting more cars, more driving, and more pollution — especially in the historic downtown area — the Co-op should be encouraging sustainable ways of getting around.

I usually bike to the Co-op, but when I drive there, I never have to park more than a block away. For health-conscious Ashland, walking one block should not be a problem, and in fact, might be a very good idea. For those who can't walk, handicapped parking is available right outside the Co-op's door.

Third, the cost of building underground anything, let alone bank drive-thrus, would seem to be prohibitive, as well as ridiculous for a town the size of Ashland.

I would like to see my Co-op drop its fixation on parking and place that energy on the more appropriate areas of good, healthy food; sustainable, healthy agricultural practices; sustainable modes of transportation; and community-building.

Julia Sommer

Ashland

****

Deliberations and Decision

Commissioner Mindlin stated she does not want to turn down the application, but is not confident that the applicants have met the exception criteria. Commissioner Dawkins stated this development will be a step in the right direction in the overall development of the shopping center, however he encouraged the property owners to provide a way for nearby residential patrons to cross over to this property. He added the subject lot size is only 3/10 of an acre short of qualifying for the shadow plan option and does not want to halt the redevelopment of this area. Commissioner Mindlin stated she could be supportive of this application if: 1) references to the shadow plan are removed from the findings and instead they acknowledge that they are granting the applicants a lower FAR; and, 2) they modify Condition #8 to state: "That future land use applications shall address the Floor Area Ratio standard **and circulation plan**...". Support was voiced for the modifications proposed by Mindlin. Commissioner Marsh commented that this application illustrates the importance to dealing with this area in a comprehensive manner and noted her desire to work and collaborate with the property owners. She also voiced her opinion that exception criteria 'B' applies to this project and stated this is the first step towards a larger redevelopment project that will move this shopping center towards the desired FAR.

Staff requested clarification about the circulation plan component. Commissioner Mindlin stated she does not feel compelled to make this more specific and believes the applicants understand what the Planning Commission is looking for. Ms. Gunter indicated Condition #8 would be revised as indicated and would also specify the map and tax lot numbers as previously discussed.

Commissioners Dawkins/Mindlin m/s to approve PA-2012-00018 with conditions as stated during discussion. DISCUSSION: Ms. Gunter clarified the condition modifications include the revision to Condition #8 as discussed and the addition of Condition #10 regarding the landscaping and irrigation plan. **Roll Call Vote: Commissioners Mindlin, Dawkins, Heesacker, Kaplan, Brown and Marsh, YES. Motion passed 6-0.**

B. PLANNING ACTION: #2012-00265
APPLICANT: Ashland Food Cooperative
LOCATION(S): C-1- & C-1-D-zoned portions of Ashland's "Historic Interest Area"
REQUEST: A proposal to amend the Ashland Municipal Code (AMC 18.32.035.E) as it relates to drive-up uses in Commercial districts. Drive-up uses are currently a special permitted use in the C-1 zoning district, but only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. Drive-up uses are currently explicitly prohibited in the Historic Interest Area as defined in the Comprehensive Plan. The proposed legislative amendment is to provide exception language which would apply only to existing drive-up uses within the Historic Interest Area and would allow them to relocate to a new site elsewhere within the Historic Interest Area provided that they are located predominantly underground or otherwise screened from view from the public right-of-way.

Staff Report

Associate Planner Derek Severson explained the request before the Commission is a proposal to modify the regulations in the C-1 and C-1-D districts relative to drive-up uses in the Historic Interest Area. Mr. Severson reviewed the existing regulations and stated drive-up uses are currently prohibited in the Historic Interest Area. He explained this proposal would modify Section 18.32.025.E to read:

> *"Drive-up uses are prohibited in Ashland's Historic Interest Area as defined in the Comprehensive Plan; **except that drive-up uses already existing and located within Ashland's Historic Interest Area may be relocated to another property or site within Ashland's Historic Interest Area subject to the following additional requirement:***
>
> ***a. Existing drive-up uses within Ashland's Historic Interest Area seeking to relocated to another site or property within Ashland Historic Interest Area must be either underground drive-up uses or drive-up uses that are predominately screened, as defined in Section 18.08.805.***

Mr. Severson stated the applicants are also proposing to define underground drive-up uses as: *"Underground Drive-up Uses are located within the underground portion of a building where a majority of the drive-up facilities, such as the teller window or ATM*

kiosk, are either located underground or are predominately screened and have limited visibility from the adjacent public right-of-way. Underground drive-Up Uses within the Ashland Historic Interest Area shall be subject to Type II review."

Mr. Severson explained the Ashland Historic Interest Area consists of the four historic districts in town (Skidmore Academy, Downtown, Railroad, Siskiyou/Hargadine), and the four drive-up uses that would be impacted by this proposal are Umpqua Bank (250 N Pioneer), Wells Fargo Bank (67 E Main), U.S. Bank (30 N Second), and Chase Bank (243 E Main). Mr. Severson reviewed the policies and standards that have been adopted that discourage drive-up use and asked whether the Planning Commission would support a change in policy as a means to encourage relocation and redevelopment of these four uses; and if so, does the Commission support the request as submitted or wish to impose additional performance standards as outlined in the staff report and supported by the Historic Commission.

Questions of Staff

The following comments and questions were issued to staff:

- Comment was made questioning why they would want to force the drive-ups underground, since underground entries can be more disruptive than a driveway leading to a window.
- Umpqua Bank currently has three drive-up stalls, if they were to relocate would the city limit the number of stalls? Mr. Severson clarified at the time of transfer the new location would be only be granted one stall.
- What is the difference between a conditional use permit and the process for obtaining a special permitted use? Mr. Severson clarified the conditional use process provides more discretion and allows the Commission to compare the propose use with the target use of the zone.
- What is the difference between a Type II and Type III Planning Action? Mr. Severson clarified the City Council makes the final decision on Type III actions.
- Comment was made expressing concern with limiting the number of drive-up uses in town; with the recent talk of the gentrification of Ashland's residents, there may be a need for drive-up pharmacies in the downtown.

Applicant's Presentation

Mark Knox, Applicant's Representative and **Richard Katz, General Manager of Ashland Food Cooperative** addressed the Commission. Mr. Knox stated they have been working on this proposal for over a year and have had lots of dialogue with City staff. He stated this is a straightforward, good idea and the two main objectives are to encourage redevelopment of the existing drive-up sites in the Historic Interest Area and allow some flexibility to relocate a drive-up use. He added they are not suggesting an increase in the number of allowed drive-up uses, but rather the ability to improve the sites that are already there. Mr. Knox stated this amendment would be a tune-up of an ordinance that has been working well, but has created a lockdown on these four sites. He spoke against the conditional use permit process and stated this process is too subjective and as a result the owners of these properties are not willing to attempt it. He commented on the City's desire to be pedestrian friendly and believes this proposal will allow these four sites to be improved.

Mr. Katz stated the Ashland Food Cooperative has been in Ashland for 40 years, they employ 160 people, sold $27 million in products this year, and are one of the larger employers in Ashland. He added half of the citizens of Ashland are not only shoppers, but are owners of the Co-op. He explained most everyone agrees there is a parking issue at the store, and overall congestion in the railroad area. He stated there is almost a constant gridlock of cars idling for parking spaces and it is not a good situation. Mr. Katz stated they have looked at many alternatives, and they believe if Umpqua Bank had the ability to relocate in the downtown, this would free up some needed space for the Co-op. He stated the bank has expressed interest in this idea, but they do not want to relocate outside of the downtown area. He stated this is an awkward position for the Co-op, but this is the only step they can take. He added the bank properties downtown are eyesores, and there is currently no initiative for them to do something different. He voiced his support for this proposal and believes this is a win-win situation.

Ms. Knox noted the Q&A in the packet materials explain the intent and what they think will happen. He stated they believe they are on the right track with this amendment and would like the approval process to be less subjective and contain more tangible criteria.

Public Testimony

Colin Swales/143 Eighth Street/Stated he has never seen a legislative amendment from a private party and it appears a private party is trying to change our planning laws for their benefit. Mr. Swales clarified he is a member of the Transportation

Commission but is speaking on his own behalf. Mr. Swales stated the Transportation Commission is required to comment on Type III Actions at the pre-application level, and he was looking forward to this application coming forward at a regular meeting. However when it did come before them, it was under Public Forum and not as a discussion item. Mr. Swales requested the Planning Commission postpone this action until the Transportation Commission has had a chance to review this application. He questioned the need for bank drive-up lanes and stated the laws were adopted to cut down on auto-centric uses in the downtown core. He stated even if the Co-op was able to acquire the bank's parking, they are not allowed to exceed the required parking by more than 10%, and he is not sure how this amendment would help their situation.

Rebuttal by the Applicant

Mark Knox/Clarified citizens are permitted to request legislative changes and he believes this proposal will help solve the non-confirming issues of the downtown drive-up sites. He stated the current regulations have locked these banks in and it is short-sighted to think these sites will improve on their own. Mr. Knox voiced his support for additional public input, however does not want to delay this action from moving forward. He suggested the Planning Commission move forward with their deliberations and for the Transportation Commission to review this action before it is presented to the City Council.

Questions of Staff

Mr. Molnar confirmed there is a code provision that allows an applicant to exceed the parking requirement by 10%; however, the property could apply for a parking variance. He added most people would agree that parking is in high demand in that area.

Commissioner Brown commented that underground and above grade parking has the tendency to create skateboard ramps, and there may be a need for a barrier at the sidewalk level when the bank is closed. He added he would not support underground drive-ups for a community this small and with such an established walking relationship.

Mr. Molnar commented there is a clear history of policies that discourage drive-up uses, and it boils down to redevelopment vs. relocation. He stated redevelopment is possible, however the applicants must obtain a conditional use permit. He stated if the Commission believes this process is too onerous, they could choose a process like the applicants have recommended. He stated with the issue of relocation, right now that is prohibited. He added if the Commission believes that should be changed, what would be the appropriate approval process – Conditional Use Permit or Site Review?

Commissioner Dawkins stated he is reluctant to send this on to Council and wishes this had been vetted more thoroughly through the Transportation Commission before it came before them. He stated an action of this magnitude warrants more public input and he does not support moving it on to Council as this point. Commissioner Brown questioned why the Transportation Commission would have a major impact on this issue, since the concerns are regarding the site itself and not the traffic. Commissioner Heesacker stated if nothing else, sending this back to the Transportation Commission will allow the public more time to review this and provide comment. Commissioner Marsh stated there appears to be general agreement that they want input from the Transportation Commission, but added they can still hold general discussion on this action and bring it back at their next meeting.

Commissioner Mindlin stated the applicants have a goal for their store, and there is nothing wrong with that, and it would benefit the community to keep the Co-op downtown. She stated this proposal raises some important issues regarding the potential to redevelop those sites and create a better environment. Commissioner Kaplan stated anything they could do to foster redevelopment of those businesses would be a positive, and noted they would be keeping the same number of drive-ups. Commissioner Dawkins commented that they are not getting enough public input about what the negatives might be. He agreed that the redevelopment opportunities are good, but would like to hear more from the public.

The Commission continued their general discussion of this action. Support was voiced for limiting relocated drive-ups to a single lane, and the question was raised regarding whether this proposal should be limited to financial institutions. Commissioner Heesacker stated his opinion that it should not be limited to banks; and suggestion was made to exclude food uses. The Commission also discussed and agreed these actions should require a public hearing before the Planning Commission.

Mr. Molnar clarified staff would take this issue before the Transportation Commission and it would come back for deliberations and decision at the Commission's June meeting.

Commissioners Brown/Dawkins m/s to continue the public hearing to June 12, 2012. Voice Vote: all AYES. Motion passed 6-0.

OTHER BUSINESS

Commissioner Dawkins recommended they hold all future annual retreats on the first Saturday in May, and stated he would bring this up at the next meeting when they select their officers.

ADJOURNMENT

Meeting adjourned at 9:30 p.m.

Respectfully submitted, April Lucas, Administrative Supervisor

HISTORIC COMMISSION
Meeting of May 2, 2012

PLANNING APPLICATION REVIEW

PLANNING ACTION: 2012-0265
APPLICANT: Ashland Food Cooperative
LOCATION: C-1- & C-1-D-zoned portions of the Historic Interest Area
REQUEST: A proposal to amend the Ashland Municipal Code as it relates to drive-up uses in Commercial districts. Drive-up uses are currently a special permitted use in the C-1 zoning district, but only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. Drive-up uses are currently explicitly prohibited in the Historic Interest Area as defined in the Comprehensive Plan. The proposal is to provide exception language which would apply only to existing drive-up uses within the Historic Interest Area and would allow them to relocate to a new site elsewhere within the Historic Interest Area provided that they are located predominantly underground or otherwise screened from view from the public right-of-way.

Recommendation to Planning Commission:

The Historic Commission recommends supporting the proposed amendment with the addition of more detailed performance standards which would be considered as part of the Site Review process including the proposed language which allowed for relocation and redevelopment when compliant with the new standards.

2.13 Transportation Commission

2.13.010 Purpose and Mission

A. Role. The Transportation Commission advises the City Council on transportation related issues specifically as they relate to safety, planning, funding and advocacy for bicycles, transit, parking, pedestrian and all other modes of transportation.

B. Mission. The need for a Transportation Commission is emphasized in the Transportation Element:

"Ashland has a vision – to retain our small-town character even while we grow. To achieve this vision, we must proactively plan for a transportation system that is integrated into the community and enhances Ashland' s livability, character and natural environment. ...The focus must be on people being able to move easily through the city in all modes of travel. Modal equity then is more than just a phase. It is a planning concept that does not necessarily imply equal financial commitment or equal percentage use of each mode, but rather ensures that we will have the opportunity to conveniently and safely use the transportation mode of our choice, and allow us to move toward a less auto-dependent community."

(Ord 2975, 2008;Ord 3003;2010)

2.13.020 Established-Membership

A. Voting Members. The Transportation Commission is established and shall consist of nine (9) voting members as designated by the Mayor and confirmed by the council. Voting members will all be members of the community at large and will represent a balance of interest in all modes of transportation.

B. Non-voting Ex Officio Membership. The Director of Public Works or designee shall serve as the primary staff liaison and as Secretary of the Commission. Including the staff liaison, there will be twelve (12) total non-voting ex officio members who will participate as needed and will include one member of the Council as appointed by the Mayor, Community Development & Planning, Police, Fire, Southern Oregon University, Ashland Schools, Oregon Department of Transportation, Rogue Valley Transportation District, Ashland Parks and Recreation, Jackson County Roads, Airport Commission.

(Ord 2975, 2008;Ord 3003;2010)

2.13.030 Powers and Duties - Generally

The Transportation Commission will review and make recommendations on the following topics as it relates to all modes of Transportation:

1. Safety: will develop, coordinate and promote transportation safety programs;

2. Planning:

* Will review and serve as the primary body to develop recommendations to the City' s long range transportation plans.

* Will review and make recommendations in Type III Planning Actions during the pre-application process.

3. Funding: will make recommendations to the City' s transportation section of the Capital Improvements Program;

4. Advocacy: will advocate and promote all modes of transportation to make modal equity a reality.

* Facilitate coordination of transportation issues with other governmental entities.

* Select one or more member liaisons to attend and participate in meetings with other transportation related committees in the Rogue Valley.

* Examine multi-modal transportation issues.

(Ord 2975, 2008;Ord 3003, 2010)

2.13.040 Powers and Duties - Specifically

The Transportation Commission will review and forward all traffic implementation regulations to the Public Works Director for final approval and implementation of official traffic safety and functional activities.

(Ord 2975, 2008; Ord 3003, 2010)

2.13.050 Traffic Sub-Committee

A. Purpose. The purpose of the Traffic Sub-Committee is to enable the Transportation Commission to focus on broad transportation concerns by reducing the number of routine and general non-routine traffic items that come before the full Commission and to insure the Transportation Commission will have sufficient time to devote their full attention to the overall transportation matters at issue.

B. Membership. The Traffic Sub-Committee is established and consists of three regular members of the Transportation Commission who shall sit

CITY OF ASHLAND

TRANSPORTATION COMMISSION

Thursday, July 21, 2011
Council Chambers, 1175 East Main Street

Minutes

Attendees: Tom Burnham, Eric Heesacker, Shawn Kampmann, Steve Ryan (Chair), Julia Sommer, Colin Swales, David Young and Corinne Vieville
Absent: Brent Thompson
Council Liaison: David Chapman
Staff Present: Mike Faught, Jim Olson, Betsy Harshman
Ex Officio Members: Steve MacLennan

I. **CALL TO ORDER:** Meeting was called to order at 6:03 p.m. by Chairperson Steve Ryan.

II. **APPROVAL OF MINUTES:** Commissioner Kampmann moved to approve the minutes of June 23, 2011 as amended, the motion was seconded by Commissioner Young and it passed unanimously.

III. **ADJUSTMENTS TO THE AGENDA:**
Car Free Day, non action item A was moved to position E and the N. Main/Hersey/Wimer Intersection realignment item E was moved to the A spot.

IV. **PUBLIC FORUM:**
Mark Knox, 485 W Nevada Street, introduced an application in which Planning staff and the Historic Commission recommended he bring before the Transportation Commission. Richard Katz, manager of the Ashland Food Coop asked him to start a dialogue with the community about modifying land use planning to allow underground drive ups. Knox explained that current drive ups in the downtown historic district belong to corporations/banks. These drive ups have been grandfathered in as non-conforming use. If the City makes amendments to allow underground drive ups, the above ground spaces could be turned into vibrant streetscapes and hopefully encourage economic stimulation.

Knox stated there are traffic and parking issues at the Coop. The Coop would like to purchase the Umpqua Bank site and relocate the bank to the old Copeland Lumber or the Northlight space. The bank would be removed and replaced with a neighborhood park. Customers of the Coop would use the existing Umpqua parking spaces.

In the future, Knox will demonstrate to the commission what is underground, as well as addressing ventilation, stacking and other issues. They'll be looking at how to penetrate underground and reduce the regulations to make the sites more user and pedestrian friendly.

Commissioners were receptive to seeing the bigger picture and hearing more about the proposal at a later date. Faught told the commission that this would be considered through a Type III land use process, which staff would have to look at. Then it would have to be processed through the Transportation Commission which would in turn provide recommendations to the Council.

V. **ACTION ITEMS**
A. Parking Prohibitions on E. Nevada St.
Olson explained that this item is part of an ongoing examination of some of the City's narrow streets. The

Fire Department asked that the commission take a look at these narrow streets and would like to have parking prohibitions put in place where they need to be as soon as possible. Nevada Street from Bear Creek to Mountain Ave. is unusual in that it is a collector street although not developed as such. It was made a 24' wide Avenue that is normally required to be at least 32' and contain bike lanes under Ashland's street standards. At 24' it should not contain parking on each side. Staff recommends that parking is prohibited on the north side primarily because that side has only 3 accesses at this point and there is a very steep bank on the north side. Staff notified everyone on Nevada Street that was abutting and have not received any feedback except one that was in favor.

Motion and vote
Young moved to approve staff's recommendation, Heesacker seconded and the motion was approved unanimously.

B. Request for Stop Sign at Starflower and Larkspur
Joan and Allen Vogel from 462 Thimbleberry Lane requested a stop sign at the intersection of Larkspur. If a stop sign wasn't available, they suggested that a yield sign be considered. Olson stated that there is about 250 vehicles per day on Larkspur and about half of that on Starflower. The intersection is a 4-leg almost perpendicular intersection, but not quite. All of legs are at a different approach grade which promotes a vision problem when looking at approaching traffic. In some of those legs the elevation helps you, but in others, it does not. This intersection does not warrant a stop sign. The Municipal Uniform Traffic Control Device (MUTCD) handbook does not have volume restriction for a yield sign, although there is in the City's code. In special conditions, an engineering review has shown that a yield sign may help to decrease problems. Olson spent some time monitoring traffic at this intersection and did not see a problem; traffic seemed to flow pretty well and most cars were going through the intersection slowly. There was also discussion regarding a roundabout. Staff recommends that yield signs be installed at the intersection on Starflower at both sides of Larkspur.

Motion and Vote
Young moved that staff's recommendation be approved and Vieville seconded. Following a voice vote, the motion was approved 5 to 2.

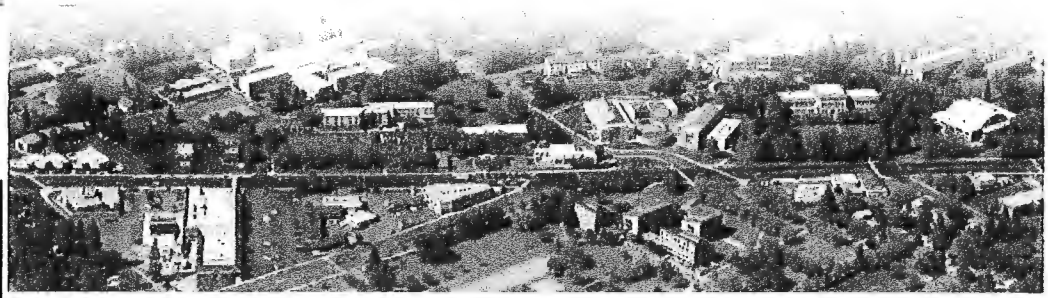
C. Budget and Expenses for FY12
Sommer asked that this item be placed on the September agenda for discussion and that new ideas be brought forth by commissioners and staff for monies proposed to be spent between September and June 30, 2012. Faught stated that next year staff will be processing a 2-year budget.

Swales agreed that this item should be added to the September meeting and in the meantime, forward ideas to staff. Faught clarified that any of these items must be forwarded to staff, and not sent between commission members. No motion was made.

D. A Street Shared Road Discussion
Burnham requested that sharrows be installed on A Street from 8th to Oak Street in the same configuration as Oak Street. Per Burnham, this is a heavily used bike route and sharrows would be a great indicator that bikes are on the street. Faught stated that in a past meeting the group made a motion to wait until the TSP is done, although there is probably enough data that has been collected if the commission wants to go ahead with it.
Burnham said that in the September meeting the motion was passed. Burnham asked if he needed to make another motion. Burham read from a motion that he made back in October. He restated his motion.

Burnham motioned to install sharrows and the accompanying signs on A Street from Oak to Eighth Street. Young seconded the motion.

Young was willing to wait, but he rides the route almost daily and said that it is a major connector for bikes. Young feels that the sharrows on Oak have made bicycling safer. His presence on a bicycle there



Transportation Commission - Agenda
Thursday, July 21, 2011

TRANSPORTATION COMMISSION

Thursday, July 21, 2011
Council Chambers, 1175 East Main Street

Agenda

I. CALL TO ORDER: 6:00 PM

II. APPROVAL OF MINUTES: June 23, 2011

III. ADJUSTMENTS TO THE AGENDA

IV. PUBLIC FORUM

V. ACTION ITEMS
- A. Parking Prohibitions on E. Nevada St. (10 min.)
- B. Request for Stop Sign at Starflower and Larkspur (15 min.)
- C. Budget and Expenses for FY12 (15 min.)
- D. A Street Shared Road Discussion (Tom Burnham) (15 min)
- E. Draft Memorial Marker Policy (10 min.)

VI. NON ACTION ITEMS
- A. Car Free Day Planning (10 min)
- B. Discussion regarding Kate Jackson's Road Diet comments (10 min)
- C. TSP Update (10 min)
- D. Traffic Crash Summary
- E. N. Main/Hersey/Wimer Intersection Re-Alignment (10 min.)

VII. INFORMATIONAL ITEMS
- A. Action Summary
- B. TC Budget Balance: $5,000.00
- C. City Source Article
- D. Traffic Safety Connection

VIII. FUTURE AGENDA TOPICS
- Bike Parking and Bike Rack Design Policy
- Future Railroad Crossings
- A Street Shared Road Designation Discussion

IX. COMMISSIONER COMMENTS

X. ADJOURN: 8:00 PM

Next meeting scheduled for August 18, 2011 @ 6:00 pm

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Works Office at 488-5587 (TTY phone number 1 800 735 2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the

The comments of this pre-app are preliminary in nature and subject to change based upon the submittal of additional or different information. The Planning Commission or City Council are the final decision making authority of the City, and are not bound by the comments made by the Staff as part of this pre-application.

ASHLAND PLANNING DEPARTMENT
PRE-APPLICATION CONFERENCE
COMMENT SHEET
July 6th, 2011

SITE: C-1 & C-1-D Districts
APPLICANT: U.D.S.
REQUEST: Legislative Amendment Drive-Up Ordinance

PLANNING STAFF COMMENTS

This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal.

Generally: Staff believes that the existing drive-up regulations are seen as working well and helping to contribute to the unique nature of Ashland. Staff is uncertain that either the Planning Commission or Council would be willing to make this type of "big picture" adjustment which would likely open up broader discussions of the ordinance, and they may prefer to deal with proposals on a site by site basis through the Variance process. Staff believes that if the ordinance were to be amended, a number of issues would need to be considered:

Streetscape Impacts: Is it appropriate that driveways exit from underground drive-up's onto arterial or collector streets? Across downtown sidewalks? How can impacts to the streetscape be adequately considered in terms of minimizing impacts to all users and modes (i.e. limit to sidestreet and alley access?) Drive-up uses are typically a significant generator of vehicle trips, and potential traffic impacts will need to be considered.

Design Impacts/Ripple Effects on the Built Environment: Will underground drive-up uses alter the ground floor floor-levels of the buildings they house? How will this effect these buildings as they relate to each other and the pedestrian streetscape? How much additional site area would need to be dedicated to queuing, circulation, etc.? Ashland's Downtown Design Standards explicitly discourage auto-centric uses within the downtown (VI-J.6), and generally speaking, the restriction on private parking in the downtown, design standards, and prohibition on drive-up's in the historic interest area all work to give primacy to pedestrian friendly/human scale design over auto-centric use. In staff's view, changes to any of these standards would need to demonstrate that they could be carried out in such a way that the pedestrian friendly, human scale character of the historic interest area would not be compromised.

Basis for Limitation to Existing Financial Institutions: Is there a defensible basis for limiting these underground drive-up's solely to existing financial institutions? What about restaurants, coffee shops, etc.?

Logistics: How would ventilation and air quality be addressed? Would the sites likely to be utilized be adequately sized to accommodate the necessary driveway grades, queuing, ventilation, etc. without impacting the building designs? Would these requirements likely eliminate the opportunity to accommodate underground parking on these sites – i.e. would underground drive-up uses support the installation of underground parking, or create a barrier to it for the properties likely to be involved? Are there examples of underground drive-up uses the applicants can cite which work well?

Limited Visibility from the Right-of-Way: How is "limited visibility from the right of way" to be defined? As defined in the proposal, it would seem that an "underground drive-up use" could be installed in a daylight basement arrangement and not actually be below grade at all, which would likely be a concern for Planning Commission and Council.

Site Specific Alternative: As previously discussed, staff believe there may be viable options to re-develop the sites noted through the Variance and/or Conditional Use Permit processes based on site-specific considerations.

OTHER DEPARTMENTS' COMMENTS

BUILDING DEPT: Please contact the Building Division at 541-488-5305 for any questions relating to applicable building codes.

ENGINEERING/STREETS/STORMWATER: Please contact Karl Johnson in the Engineering Division for any information relating to Public Works, Engineering or Utility requirements at 541-488-5347.

ENERGY CONSERVATION: No comments. For any Conservation-related information, please e-mail Dan Cunningham in Conservation at: cunningd@ashland.or.us or call 541-552-2063.

FIRE DEPARTMENT: Please contact Division Chief and Fire Marshal Margueritte Hickman of Ashland Fire at Rescue for any Fire Department-related information at 541-552-2229.

WATER AND SEWER SERVICE: Please contact Terry Oldfield of the Water Quality

Planning Commission
Speaker Request Form

1) Complete this form and return it to the Secretary prior to the discussion of the item you wish to speak about.
2) Speak to the Planning Commission from the table podium microphone.
3) State your name and address for the record.
4) Limit your comments to the amount of time given to you by the Chair, usually 5 minutes.
5) If you present written materials, please give a copy to the Secretary for the record.
6) You may give written comments to the Secretary for the record if you do not wish to speak.
7) Speakers are solely responsible for the content of their public statement.

Name COLIN SWALES
(please print)
Address (no P.O. Box) 143 8TH ST.
Phone 541 840 7492 (cell) **Email** colinswales@gmail.com
Tonight's Meeting Date 5-8-12

Regular Meeting

Agenda item number VI **OR** **Topic for public forum (non agenda item)** DRIVE THROUGHS

Land Use Public Hearing

For: _____ **Against:** _____

Challenge for Conflict of Interest or Bias

If you are challenging a member (planning commissioner) with a conflict of interest or bias, please write your allegation complete with supporting facts on this form and deliver it to the clerk immediately. The Chair will address the written challenge with the member. Please be respectful of the proceeding and do not interrupt. You may also provide testimony about the challenge when you testify during the normal order of proceedings.

Written Comments/Challenge: _____

The Public Meeting Law requires that all city meetings are open to the public. Oregon law does not always require that the public be permitted to speak. The Ashland Planning Commission generally invites the public to speak on agenda items and during public forum on non-agenda items unless time constraints limit public testimony. No person has an absolute right to speak or participate in every phase of a proceeding. Please respect the order of proceedings for public hearings and strictly follow the directions of the presiding officer. Behavior or actions which are unreasonably loud or disruptive are disrespectful, and may constitute disorderly conduct. Offenders will be requested to leave the room.

Comments and statements by speakers do not represent the opinion of the City Council, City Officers or employees or the City of Ashland.

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

ASHLAND PLANNING COMMISSION
REGULAR MEETING
MAY 8, 2012
AGENDA

I. CALL TO ORDER

II. ANNOUNCEMENTS

III. CONSENT AGENDA

A. Approval of Minutes

1. April 10, 2012 Regular Meeting.

IV. PUBLIC FORUM

V. TYPE II PUBLIC HEARING

A. PLANNING ACTION: #2012-00018
SUBJECT PROPERTY: 2220 Ashland Street
APPLICANT: Summit Investments
DESCRIPTION: A request for Site Review approval to construct a new 4,125 square foot, single story, retail building and associated site improvements for the property located at 2220 Ashland Street. The former Pizza Hut building is currently located on the site. COMPREHENSIVE PLAN DESIGNATION: Commercial; ZONING: C-1; ASSESSOR'S MAP: 39 1E 14BA; TAX LOT: 1700.
[Continued from April 10, 2012 meeting. Public Hearing is closed.]

VI. LEGISLATIVE AMENDMENT PUBLIC HEARING

A. PLANNING ACTION: #2012-00265
APPLICANT: Ashland Food Cooperative
LOCATION(S): C-1- & C-1-D-zoned portions of Ashland's "Historic Interest Area"
REQUEST: A proposal to amend the Ashland Municipal Code (AMC 18.32.035.E) as it relates to drive-up uses in Commercial districts. Drive-up uses are currently a special permitted use in the C-1 zoning district, but only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. Drive-up uses are currently explicitly prohibited in the Historic Interest Area as defined in the Comprehensive Plan. The proposed legislative amendment is to provide exception language which would apply only to existing drive-up uses within the Historic Interest Area and would allow them to relocate to a new site elsewhere within the Historic Interest Area provided that they are located predominantly underground or otherwise screened from view from the public right-of-way.

VII. ADJOURNMENT

CITY OF ASHLAND

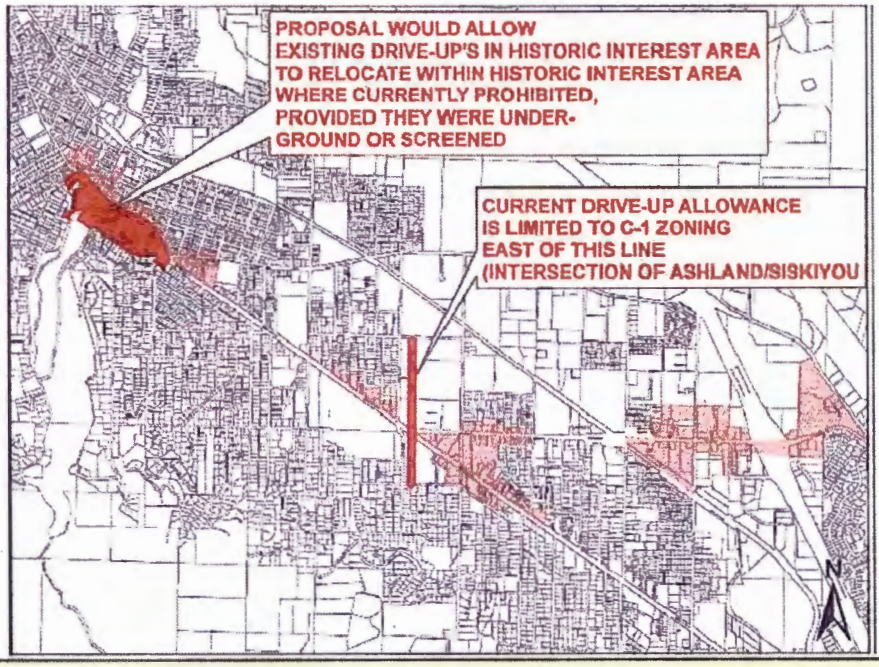
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

Planning Department, 51 Winbu .ay, Ashland, Oregon 97520
541-488-5305 Fax: 541-552-2050 www.ashland.or.us TTY: 1-800-735-2900

CITY OF ASHLAND

PLANNING ACTION: PL-2012-00265
SUBJECT PROPERTY: C-1 & C-1-D Portions of the Historic Interest Area
(See map below)
OWNER/APPLICANT: Ashland Food Co-op
DESCRIPTION: A proposed Legislative Amendment to amend the Ashland Municipal Code as it relates to drive-up uses in Commercial districts. Drive-up uses are currently allowed only as "special permitted uses" in the C-1 zoning districts, but only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. Drive-up uses are currently explicitly prohibited in the Historic Interest Area as defined in the Comprehensive Plan. The proposal is to provide exception language which would apply only to existing drive-up uses within the Historic Interest Area and allow them to relocate to new sites elsewhere within the Historic Interest Area provided that they are located predominantly underground or otherwise screened from view from the public right-of-way.

- The Ashland Planning Commission will review this Planning Action on **May 8, 2012 at 7:00 P.M.** in the City Council Chambers at 1175 East Main Street.
- The Ashland Historic Commission will also review this Planning Action on **May 2, 2012 at 6:00 P.M.** in the Community Development and Engineering Services building's Siskiyou Room at 51 Winburn Way.



18.108.170 Legislative Amendments Procedure

A. It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.

B. A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.

C. An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.

D. Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.

E. No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.

ASHLAND PLANNING DIVISION
STAFF REPORT
May 8th, 2012

PLANNING ACTION:	PL #2012-0265
APPLICANT:	Ashland Food Cooperative
LOCATION:	C-1- & C-1-D-zoned portions of the Historic Interest Area (See Attached Exhibit S-1)
ORDINANCE REFERENCE:	18.08 Definitions 18.32 Commercial (C-1) 18.72 Site Design Review 18.104 Conditional Uses

REQUEST: A proposal to amend the Ashland Municipal Code as it relates to drive-up uses in Commercial districts. Drive-up uses are currently allowed only as "special permitted uses" in the C-1 zoning district, but only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard. Drive-up uses are currently explicitly prohibited in the Historic Interest Area as defined in the Comprehensive Plan. The proposal is to provide exception language which would apply only to existing drive-up uses within the Historic Interest Area and allow them to relocate to new sites elsewhere within the Historic Interest Area provided that they are located predominantly underground or otherwise screened from view from the public right-of-way.

I. Relevant Facts

A. Background - History of the Prohibition on Drive-Up's in the Historic Interest Area

The original Transportation Element of Ashland's Comprehensive Plan, adopted in 1982, included a policy discouraging the use of drive-up windows in order to limit both fuel consumption and air pollution associated with vehicle idling while waiting at drive-ups. In keeping with this policy, in 1984 the city adopted Ordinance #2313 which defined a drive-up use as "*any establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles,*" set standards for the development of drive-up uses, required Conditional Use Permits for the approval of drive-up uses, and limited the total number of drive-up uses in the city to the 12 in place on July 1, 1984 plus one additional drive-up use for each additional 1,250 persons added to the state-certified population census for the city. As part of that ordinance, drive-up uses were prohibited in Ashland's Historic Interest Area as defined in the Comprehensive Plan (see attached Staff Exhibit S-1), which rendered those existing drive-up uses within the Historic Interest Area non-conforming.

In 1992, the ordinance was amended to make drive-up's a Special Permitted Use rather than a Conditional Use, and to limit the number of drive-up uses allowed in the city to the 12 that were in place on July 1, 1984 with no allowance to increase this number with increased population. By ordinance, drive-up uses are allowed to be transferred between users and locations, subject to the requirements of the Ordinance, but the total number of approved drive-up uses allowed in the city remains at the 12 which were in place on July 1, 1984.

The revised Transportation Element of the Comprehensive Plan adopted in 1996 no longer contains an explicit policy discouraging drive-up uses, since it was unnecessary due to the ordinance already in place limiting these uses. However, the current Transportation Element does contain the following policies which were noted in a 2001 ordinance interpretation as supporting the continued discouragement of drive-up uses:

- **X.II-1** *"Promote decreased auto use and increased walking and bicycling, public transportation, ride sharing and other transportation demand management techniques."*
- **X.II-6** *"Encourage businesses to inform customers of available non-auto access to the business locations and to support customer use of non-auto access."*

Overall, the city's Comprehensive Plan and implementing ordinances encourage the community to develop at a human scale with a balanced approach to transportation rather than taking a primarily auto-centric approach to development. The city's design standards encourage designs which limit the adverse impacts of the automobile on the built environment in large part by minimizing, carefully placing and screening parking areas and driveways while emphasizing a high standard of urban design and a strong relationship between buildings and the pedestrian streetscape. City standards and requirements place special emphasis on the Historic Interest Areas, and particularly the downtown. Ashland's Downtown Design Standards explicitly discourage auto-centric uses in the downtown (VI.J-6), and the removal of off-street parking requirements in the downtown, design standards, and prohibition on drive-up's in the Historic Interest Area all work to create a pedestrian friendly environment with a continuous storefront streetscape at the sidewalk.

B. Background – Existing Drive-Up Uses

The 12 existing drive-up permit holders are as follows:

1.	**250-300 N. Pioneer St./Umpqua Bank** *(Historic Interest Area/Zoned E-1)*
2.	**67 E. Main St./Wells Fargo Bank** (*Historic Interest Area*)
3.	**30 N. Second St./U.S. Bank** (*Historic Interest Area*)
4.	**243 E. Main St./Chase Bank** (*Historic Interest Area*)
5.	2290 Ashland St./Taco Bell
6.	2235 Ashland St./Premier West Bank
7.	2280 Ashland St./Bi-Mart Pharmacy
8.	1652 Ashland St./Dutch Bros.
9.	1500 Siskiyou Blvd./People's Bank
10.	1624 Ashland St./Wendy's

11.	512 Walker Ave./Sterling Savings Bank
12.	**Inactive** *(Was McDonalds', now reportedly Rogue Federal Credit Union)*

Of the 12 existing drive-up permits, all four of those in the Historic Interest Area are financial institutions. In reviewing the historic district survey descriptions of these properties, staff noted that several of the descriptions cite the buildings' relationships to the sidewalk or streetscape as a key factor in their compatibility with the historic character of the district.

- **Umpqua Bank at 250 North Pioneer Street** is noted as originally being built in 1979 as Heritage Bank and later converted to Valley of the Rogue Bank. The site is simply described as being part of the property formerly associated with Twin Plunges, an early community recreational use. The building is noted as being non-historic/non-contributing. Staff would add here that the existing drive-up use in this location is non-conforming not only for its location in the Historic Interest Area but for the fact that its zoning is split between E-1 and R-2 zoning districts, neither of which permit drive-up uses.
- **Wells Fargo Bank at 67 East Main Street** is described as originally housing the First National Bank. The survey description notes that the building is a flat-roofed structure that was built in 1962 and is considered "Non-Compatible/Non-Historic/Non-Contributing." The survey indicates that the site previously housed the Ashland Hotel, a late-19th century three-story brick building built in anticipation of the connection to the railroad. The Ashland Hotel occupied the full block and dominated downtown for more than 75 years, but was razed in 1961. Built with a flat roof, *setback from the sidewalk,* and designed in a modern, non-ornamental style with non-historic materials, the First National Bank of Oregon Building is not considered to be visually compatible with or complimentary to the historic character of Ashland's downtown.
- **US Bank at 30 North Second Street** is designated the US National Bank Building. Built in 1956 and considered to be a fine example of the International Style, the building is described as a well-designed brick and glass structure, *set back from Second Street by a small courtyard,* and utilizing typical modernistic materials in narrow brick, aluminum framed glass curtain wall glazing and polished granite to great effect. Essentially unaltered since its construction, the US Bank Building was built just outside the historic period of significance for the district and represents an early example of new stylistic forces that would shape Ashland's downtown during the late 1950s and 1960s. As such, it is considered compatible but is non-historic/non-contributing.
- The survey description for **Chase Bank at 243 East Main Street** describes what was originally the Crater National Bank building as a modern, masonry structure built in 1971 that is considered to be "Non-Compatible/Non-Historic/Non-Contributing." The survey document notes that the site previously housed the Lithia Theater and a gas station, and that the current building is built of non-historic materials and *set back on the site to allow for drive-through banking and is thus not consistent with the traditional character of the downtown.*

C. Background - Detailed Description of the Proposed Amendment

The application proposes an amendment to the existing Land Use Ordinance which prohibits drive-up uses in the Historic Interest Area. Ashland's Historic Interest Area consists of the four National Register of Historic Places-listed historic districts (see attached staff exhibits). With the amendment, exception language would be added to the ordinance to allow existing drive-up uses within the Historic Interest Area to relocate to a new site elsewhere within the C-1 or C-1-D zoned portions of the Historic Interest Area provided that they are located "*predominantly underground or otherwise screened from view from the public right-of-way.*"

The application explains that the amendment proposal is being made by Ashland Food Co-op as applicant, noting that both the Co-op and its neighbor Umpqua Bank are keenly aware of parking challenges at their sites. The Co-op would like to pursue the purchase of the adjacent bank property to expand their building and add parking, however the bank wishes to remain in the Historic Interest Area near the downtown and to keep a drive-up window for its customers. As currently regulated, the bank could not relocate elsehwhere in the Historic Interest Area without a Variance, and any modification to the existing drive-up use on the current site would be subject to a Conditional Use Permit for modification of an the existing non-conforming use.

The applicants assert that the current prohibition on new drive-up uses in the Historic Interest Area combined with the non-conforming status of existing drive-up uses in that area, and the resultant requirement that these uses obtain discretionary approvals (i.e. Conditional Use Permits or Variances) for any modification of their non-conforming uses serve to prevent upgrades to or redevelopment of these sites, as the financial institutions holding the existing drive-up uses are inherently risk-averse and unwilling to move forward with costly projects when their outcomes are uncertain and subject to signficant levels of discretion.

The application suggests that the changes proposed would facilitate more serious discussions between the Ashland Food Co-op and Umpqua Bank by removing one of the perceived barriers to the Co-op acquiring the bank's property to better address parking in their vicinity. More broadly, the application suggests that in removing the perceived barrier posed by discretionary approval requirements, the requested ordinance changes could facilitate the redevelopment of the sites of current drive-up uses in a manner more in keeping with city design standards while minimizing the impacts of the relocated drive-up uses to the Historic Interest Area.

II. Project Impact

A. Commission Review of Legislative Amendments

Procedurally speaking, AMC 18.108.170 allows for property owners or residents to submit proposed legislative amendments, and calls for the Planning Commission to hold a public hearing and following public testimony to make a report of its recommendations to the City Council. After receipt of the Planning Commission recommendations, the Council holds a

public hearing in conjunction with the first reading of the ordinance amendment. A Council hearing date is tentatively set for July 17, 2012.

As this report is being prepared, the Historic Commission has not formally reviewed and commented on the application but they are scheduled to do so on May 2nd, and any recommendations will be provided at the Planning Commission hearing. In considering the request at the pre-application level the Historic Commission noted concerns with the potential impacts of underground drive-ups and how those impacts would affect the built environment of the Historic Interest Area in terms of building orientation to the street, scale, proportion, openings and overall horizontal rhythms. The Commission discussed the 'black-hole' effect of creating an entry into an underground drive-up next to the sidewalk or adjacent to the right-of-way. Additionally, the Commission expressed concern regarding the entrance/exit impacts to the sidewalks through the modification of typical traffic flows, vehicular queuing, and pedestrian safety and visibility. In commenting at the pre-application level, the Historic Commissioners felt each application would have unique issues and that a Conditional Use Permit would be the most appropriate way to review each application and its impacts on architectural compatibility, noise, and odor (i.e. air quality) and traffic. Historic Commissioners also felt that relocated drive-ups should be restricted to taking access from parking lots, alleys or side streets and should not be accessed from main arterial streets. The Historic Commission discussed how "underground" would be defined and whether that would mean fully underground or if the definition of basement would be used to allow a daylight basement drive-up use.

Because the application is for a legislative amendment, the Transportation Commission is also empowered to review and comment at the pre-application level. The Transportation Commission considered the matter at their July 21, 2011 meeting. It was noted that Public Works staff would review at the time of application and bring any concerns back to the Commission. The details of the application have been sent to Public Works, and no concerns have been raised at this stage. No further comment from the Transportation Commission is anticipated, however staff would note that Public Works staff will be involved in the review of each application and raise site-specific issues as part of the Site Review process for any proposed relocation of a drive-up use should the amendment ultimately pass.

B. Potential Impacts of Drive-Up Uses in the Historic Interest Area

While the original regulation of drive-up uses was tied to issues of fuel consumption and air quality, their prohibition in the Historic Interest Area goes beyond these concerns to the more general discouragement of auto-centric uses in order to maintain the downtown's historic, pedestrian friendly character. Ashland's various standards seek to limit the adverse impacts of auto-centric design on the built environment in large part by minimizing, carefully placing and screening parking and circulation areas while emphasizing a high standard of urban design and a strong relationship between buildings and the pedestrian streetscape. These standards go even further in the downtown, explicitly discouraging auto-centric uses in the Downtown Design Standards (VI.J-6) while largely eliminating requirements to provide

required parking on site and prohibiting drive-up's to provide for a continuous storefront presence at the sidewalk that engages pedestrians and remains compatible with historic development patterns.

Drive-up uses by their nature are designed to accommodate automobiles, and the concern with their placement in the Historic Interest Area is that auto-centric design can often occur to the detriment of the pedestrian environment, as noted by the Historic Commission in considering the pre-application. Specific concerns center on impacts to the built environment in terms of altering building relationships to the street, scale, proportion, rhythm of openings and horizontal rhythms, breaking up the continuous storefront presence to accommodate drive-up windows and associated vehicular circulation. In addition, placement of driveways with cars crossing the sidewalk, or queuing into the sidewalk, from an underground drive-up could substantially alter the pedestrian streetscape and impact safety and visibility.

C. Procedural Handling – Treatment of these Uses/Staff Recommendations

For staff, the issue of discretion is a key consideration of the request. As recommended by the Historic Commission at the pre-application level, the relocation of the limited number of existing drive-up uses within the Historic Interest Area could be treated as a discretionary approval through the Conditional Use Permit process to assure all potential impacts, including architectural compatibility, of each use are considered in a manner appropriate to the individual circumstances of each application. However, the underlying basis of the requested amendment is in seeking to remove the perceived barrier of discretionary approvals to the relocation of the four drive-up uses now in the Historic Interest Area and thus encourage redevelopment of their existing sites in a manner more in keeping with current standards.

In looking into the issue of the impact of drive-up uses on historic downtown areas, staff spoke to the Senior Historic Planner with the City of Salem which recently went through an ordinance amendment addressing drive-up uses in Salem's historic downtown. She noted having done research nationally into how drive-up uses were regulated, and found that while several cities have design standards that address visibility or queuing, or allow them only with Conditional Use Permits, the cities of Ashland and Salem had by far the most restrictive codes for drive-up uses. Prior to the recent amendments, drive-up uses were prohibited entirely in Salem's downtown; as amended they are now allowed provided they meet specific criteria subject to Historic Design, Site Design and Conditional Use Permit reviews. Their criteria include: that drive-up uses are allowed only for new construction of banks or credit unions; that all components of the drive-up (structure, kiosk, and drive aisle, etc.) be located on a secondary façade and not visible from right-of-way other than an alley; that queuing lanes not be permitted between the building and the right-of-way other than an alley; that no more than two queuing lanes be allowed; and that if the subject property abuts an alley, access to and from the drive-through from the alley be encouraged. Salem's staff advised being careful to clearly define "screened from view" and what constitutes the ' 'components of a drive-up use", as in their first application under the amended code there was considerable debate as to whether a driveway exiting onto public right-of-way was a component of the drive-up use, and this posed a quandary because if it were to be considered a component it

could not feasibly be screened from view from the right-of-way without obstructing access.

While staff recognizes the applicants' concerns with discretionary approval standards, staff believes that the Commission and Council may ultimately wish to reserve a degree of discretion as a means to protect the Historic Interest Area from potential impacts associated with allowing drive-up uses to relocate. However, the applicants suggest that the discretionary nature of Conditional Use Permit approvals poses at least a perceived barrier to the redevelopment of the existing drive-up sites in the Historic Interest Area, which are limited to Umpqua Bank, Wells Fargo Bank, Chase Bank and US Bank, and that several of these sites have the potential for substantial redevelopment that under current standards could have substantial benefit to the downtown streetscape.

If the Commission is agreeable in principle with allowing these four drive-up uses to relocate, staff believes that the first question to answer is whether Conditional Use Permit approval should be required. If the Commission is open to allowing these relocations through Site Review approval as requested, staff would recommend that the following items be more clearly addressed in the amended ordinance language to avoid adverse impacts to the built environment and pedestrian streetscape:.

- **Staff believes there should be a clear definition for what constitutes placement "predominantly underground" as well as a clear standard for acceptable screening.** A requirement that the drive-up be located in a basement as defined in AMC 18.08.078 could be included, and would allow for placement entirely underground or within a daylight basement. Staff believes that language to the effect that relocated drive-up uses may be placed within a basement or on a secondary elevation, that they may only be accessed from an alley or driveway, and that they be placed and screened so that no components of the use are visible from adjacent street rights-of-way other than alleys would suffice.
- **Staff believes that the standards should make clear that driveways serving drive-up uses in the Historic Interest Area may not enter from or exit to a higher order street frontage or through a primary elevation of the building, and that there is to be no placement of driveways or queuing lanes between the building and the right-of-way other than an alley.**
- **Staff believes that no demolitions of or exterior changes to buildings which are considered to be historic resources should be allowed to accommodate relocated drive-up uses.**
- **Staff believes that there should be a requirement that any structural or site elements associated with the drive-up use be removed within 60 days of discontinuation of the drive-up use.**
- **Staff believes that the amendment should make it explicitly clear that the intention is only to allow the relocation of existing drive-up uses within the Historic Interest Area, but would not allow drive-up uses not currently operating within the Historic Interest Area to be transferred in.**
- **Finally, while there is a cap on the number of approved drive-up uses and the existing codes provide for their transfer, there is no clear mechanism in the codes for the registry or transfer of these uses. Staff believes that the list of 12 approved uses provided above should be attached to the ordinance adopted, and a ministerial permit required for the transfer or relocation of these uses when such transfer is not associated with a Site Review application.**

III. Procedural - Required Burden of Proof

18.108.170 Legislative Amendments

A. *It may be necessary from time to time to amend the text of the Land Use Ordinance or make other legislative amendments in order to conform with the comprehensive plan or to meet other changes in circumstances and conditions. A legislative amendment is a legislative act solely within the authority of the Council.*

B. *A legislative amendment may be initiated by the Council, by the Commission, or by application of a property owner or resident of the City. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Council, approval, disapproval, or modification of the proposed amendment.*

C. *An application for amendment by a property owner or resident shall be filed with the Planning Department thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.*

D. *Before taking final action on a proposed amendment, the Commission shall hold a public hearing. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. Notice of time and place of the public hearings and a brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the City not less than ten days prior to the date of hearing.*

E. *No application of a property owner or resident for a legislative amendment shall be considered by the Commission within the twelve month period immediately following a previous denial of such request, except the Commission may permit a new application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.*

IV. Conclusions and Recommendations

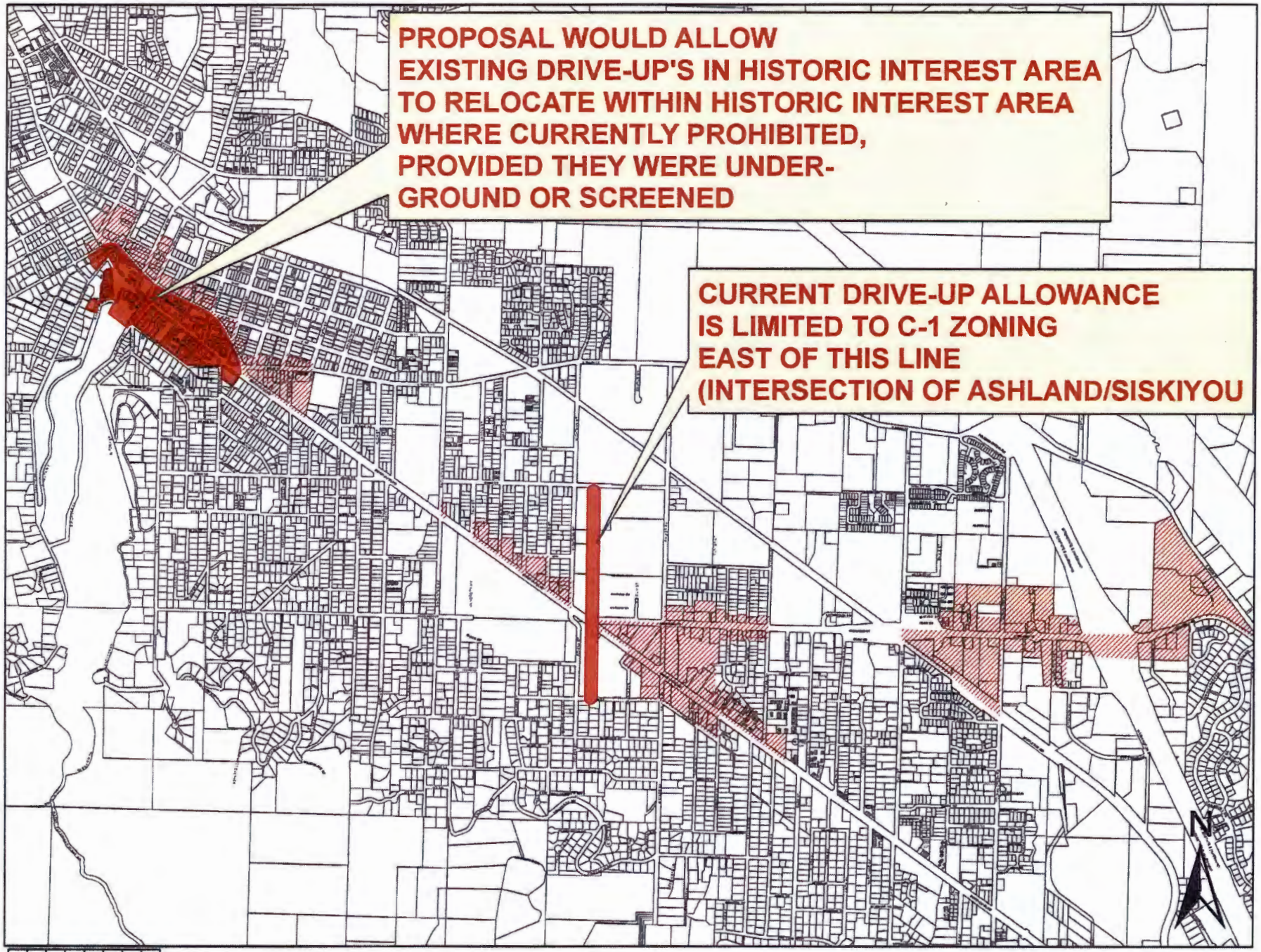
The amendment proposed would allow the relocation of any of the four existing drive-up uses in the C-1 or C-1-D portions of the Historic Interest Area, where new drive-up uses are currently prohibited, provided that the relocated drive-up use would be located predominantly underground or otherwise screened from view from the public right-of-way. The application notes that this change would facilitate discussions between the Ashland Food Co-op and Umpqua Bank about the Co-op purchasing the bank's building to expand the store and provide additional customer parking, while allowing the bank to relocate without the uncertainty of discretionary permit approvals. More broadly however, the application suggests that the current restriction also limits the likelihood of redevelopment of properties that currently have nonconforming drive-up uses in place as the discretionary nature of the required approvals is a strong deterrent to redevelopment for risk-averse financial institutions. As such, the proposed amendment would provide for these relocations through the Site Review process as a "Special Permitted Use", which has considerably less discretion.

If the Commission is open to the idea of allowing the relocation of the four drive-up uses currently in the Historic Interest Area, the options include supporting the amendment as requested, supporting the amendment with the addition of a Conditional Use Permit requirement, or supporting the amendment with the addition of more detailed performance standards which would be considered as part of the Site Review process. While staff recognizes the potential benefit that could arise from the proposal in allowing the four existing drive-up uses in the Historic Interest Area to relocate and thereby opening the possibility for redevelopment of their current sites according to current standards, we believe

that any lessening of the current prohibition needs to be carefully considered for the potential adverse impacts to the built environment and pedestrian-friendly, human-scale character of the National Register-listed Historic Interest Area. If the four drive-up uses are to be allowed to relocate without the discretionary consideration of a Conditional Use Permit as requested by the applicants, staff would recommend that the Commission make specific recommendations to Council that the ordinance amendment be modified as follows to minimize the adverse impacts that the current prohibition was enacted to avoid:

- **That the relocation of the four existing drive-up uses within the Historic Interest Area is to be allowed as a Special Permitted Use within the C-1 and C-1-D zoned portions of the Historic Interest Area subject to Site Review approval. Existing drive-ups not currently in use in the Historic Interest Area would be unable to be transferred into the Historic Interest Area.**
- **That relocated drive-up uses may only be placed in a basement or on a secondary building elevation, only accessed from an alley or driveway, and no components of the relocated drive-up use (i.e. structure, kiosk or queuing lane, but not the driveway) may be visible from adjacent streets other than an alley.**
- **That driveways serving relocated drive-up uses may not enter from or exit to a higher order street frontage or through a primary elevation of the building, and that there is to be no placement of driveways or queuing lanes between a building and the right-of-way other than an alley.**
- **That no demolition of or exterior change to buildings considered to be historic resources shall be allowed to accommodate relocated drive-up uses.**
- **That the components of the relocated drive-up use shall be removed within 60 days of discontinuation of the use.**
- **That a ministerial permit be required for the transfer of any drive-up use when such transfer is not associated with a Site Review application (i.e. the sale of an approved drive up use which is to be discontinued on its current site, but which is not immediately to be relocated to another site). Uses which are discontinued without a properly permitted transfer shall be deemed to have expired after being unused for 12 months.**

STAFF EXHIBIT S1

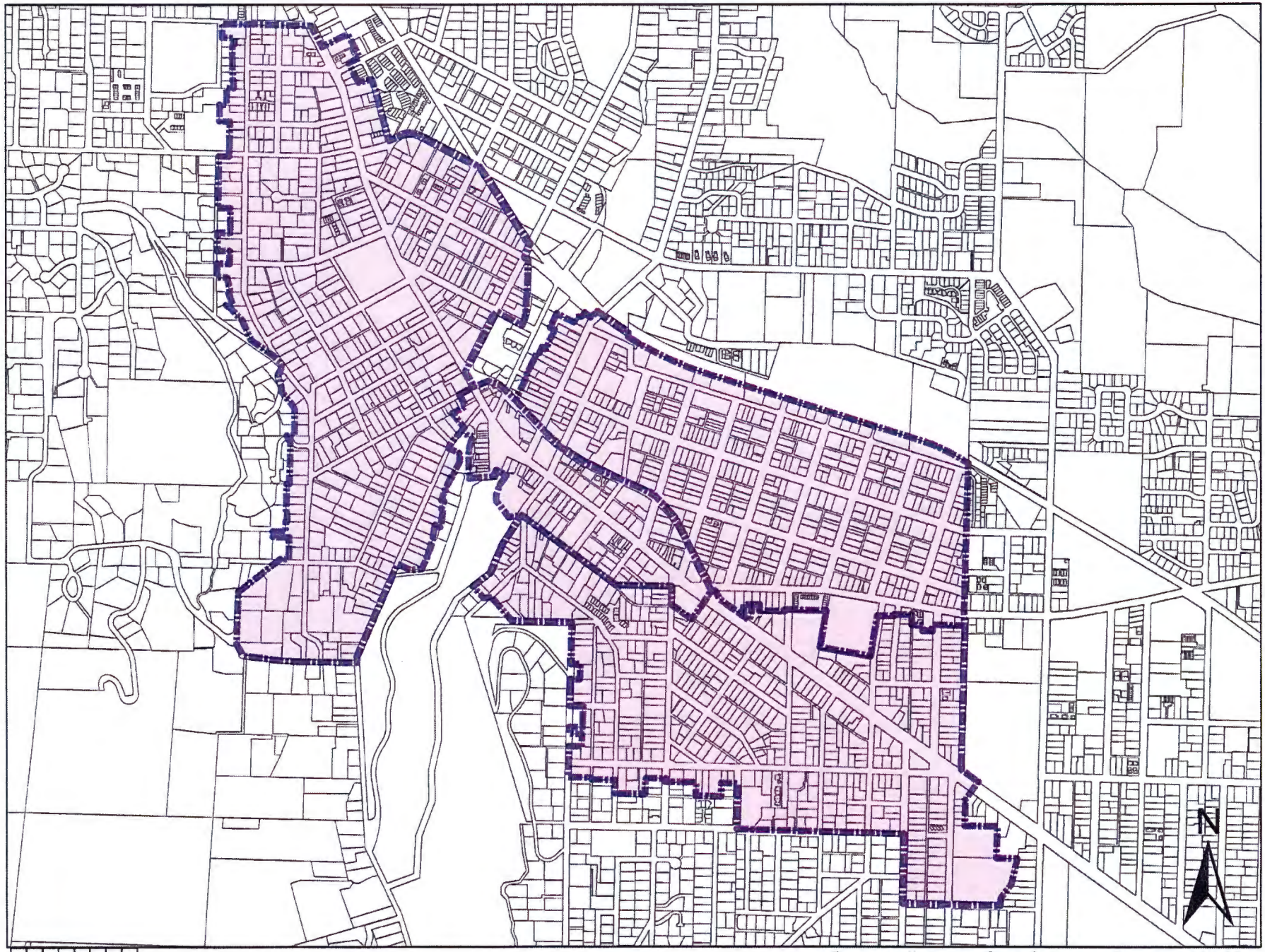


Property lines are for reference only, not scaleable

HISTORIC INTEREST AREA

COMP PLAN 1.29

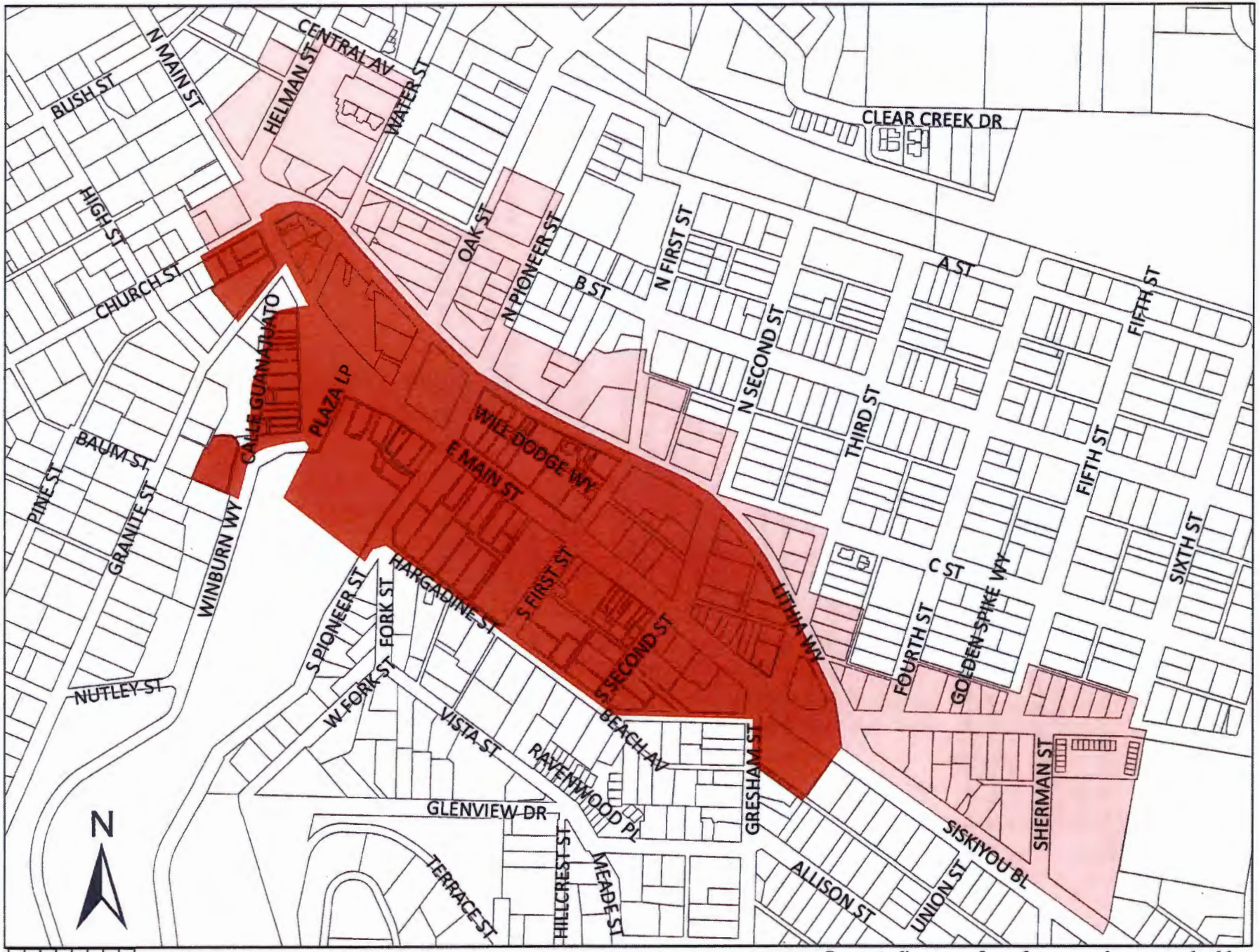
STAFF EXHIBIT S2



Property lines are for reference only, not scaleable

STAFF EXHIBIT S3

ASHLAND'S DOWNTOWN DISTRICT (C-1-D) IN RED & COMMERCIAL DISTRICT (C-1) IN ROSE



Property lines are for reference only, not scaleable

STAFF EXHIBIT S4 – Current Regulations

18.32.025.E. C-1 District Special Permitted Uses

Drive-up uses as defined and regulated as follows:

1. Drive-up uses may be approved in the C-1 District only, and only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard.
2. Drive-up uses are prohibited in Ashland's Historic Interest Area as defined in the Comprehensive Plan.
3. Drive-up uses are subject to the following criteria:

    a. The average waiting time in line for each vehicle shall not exceed five minutes. Failure to maintain this average waiting time may be grounds for revocation of the approval.
    b. All facilities providing drive-up service shall provide at least two designated parking spaces immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.
    c. A means of egress for vehicular customers who wish to leave the waiting line shall be provided.
    d. The grade of the stacking area to the drive-up shall either be flat or downhill to eliminate excessive fuel consumption and exhaust during the wait in line.
    e. The drive-up shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.
    f. Sufficient stacking area shall be provided to ensure that public rights-of-way are not obstructed.
    g. The sound level of communications systems shall not exceed 55 decibels at the property line and shall otherwise comply with the Ashland Municipal Code regarding sound levels.
    h. The number of drive-up uses shall not exceed the 12 in existence on July 1, 1984. Drive-up uses may be transferred to another location in accord with all requirements of this section. The number of drive-up window stalls shall not exceed 1 per location, even if the transferred use had greater than one stall.

Narrative & Findings of Fact

MAR 2 2012

Land Use Application
For A
Zoning Ordinance Amendment
Ashland Municipal Code - Chapter 18.32.025 E.

"Drive-Up Uses"

Submittal Date: March 2nd, 2012

Co-Applicant: Urban Development Services, LLC
Contact: Mark Knox
485 W. Nevada Street
Ashland, OR 97520
541.821.3752

Co-Applicant: Ashland Food Cooperative
Contact: Richard Katz
237 N. First Street
Ashland, OR 97520

Zoning Districts: C-1 and C-1-D

Related Codes: Ashland Municipal Code (AMC) 18.08, 18.32, 18.68 and 18.108

Description: A proposal to amend the Ashland Municipal Code, Chapter 18.32.025 E., as it relates to Drive-Up Uses in the Commercial District, specifically those areas as designated as Special Permitted Uses within Ashland's "Historic Interest Area" as defined in the Comprehensive Plan as well as the National Register of Historic Places adopted Downtown District. The proposal is to provide exception language for Drive-Up Uses when they are predominately underground or screened from a public right-of-way. The exception language would only apply to existing drive-up uses within a Historic Interest Area.

Attachments: Code Amendment Proposal, Sample Illustrations

History: Financial institutions with drive-up facilities (teller windows, auto lanes, audio speakers, etc.) in the historic core of Ashland were obviously developed during an automobile dominated era beginning in the late 1950's. During this period, a number of historic buildings were *recycled* into other businesses (First National Bank Building, Corner of East Main & Pioneer Streets - now owned by Oregon Shakespeare Festival and Citizen's Banking & Trust Company, corner of East Main & Second Streets – now various retail businesses) or *demolished* and new buildings with drive-up facilities constructed (Old Ashland Hotel – now Wells Fargo Bank, Lithia Theater Building – now Chase Bank and multiple historic residences off Pioneer Street – now Umpqua Bank). *Note:* This trend was not just limited to Ashland, but occurred across the Country where "sites" could easily accommodate drive-up facilities, but not necessarily the building. This time period, so called the "modern" architecture era, represented in most cases, dramatic changes to the character of a community's urban core.

With a long-range planning perspective and will by the City Council, Planning Commission, Historic Commission and the City's Planning Department, in 1992, the Ashland City Council adopted a number of code changes in order to address various auto centric developments in an attempt to preserve historic buildings, limit surface parking lots and maintain the Downtown's pedestrian friendly "Main Street" environment. This included the adoption of the original Site Design & Use Standards Ordinance as well as code language prohibiting drive-up uses in the Downtown Historic Interest Area (Ord. 2688). In the process, existing drive-up facilities that remain today are considered "legal uses, but non-conforming" and subject to various land use entitlements if ever proposed to be modified.

Proposal: The proposal is for a Type III amendment to the Ashland Municipal Code, Chapter 18.32.025 E., inserting exception language for Drive-Up Uses when they are predominately underground or screened from a public right-of-way and only for "existing" drive-up uses (Wells Fargo, Chase and Umpqua Bank) already within Ashland's "Historic Interest Area" as defined in the Comprehensive Plan. The goal of the amendment would be to "encourage" these more auto-centric sites within the Historic Interest Area to redevelop in compliance with the City's adopted Site Design & Use Standards which provide a more pedestrian and human-scale streetscape experience.

Again, as the codes exist currently, drive-up uses within the Historic Interest Area are considered "legal non-conforming" and subject to various provisions and entitlements noted in Sections 18.68.090 A.1. (Nonconforming Uses and Structures) and 18.104 (Conditional Use Permits).

Although the applicants wholeheartedly understand the purpose of the existing code language prohibiting drive-up uses in the Historic Interest Area - including code language that manages the redevelopment of those sites, it has become clear that such code language also *discourages* existing auto-centric sites from redeveloping as "main street" facades as envisioned in the adopted Site Design and Use Standards. In the applicant's opinion, the degree of justification, process and expense of an applicant to submit an application under the Conditional Use Permit criteria is just too subjective and onerous and thus discouraging to owners of those sites (i.e. corporations) to consider redevelopment which, with guidance from the Downtown Design

Standards, would improve the street's presence, improve pedestrian mobility and experience, and improve the Downtown's overall character and economy.

Benefiting Sites: The applicants contend the proposal has far reaching positive attributes for a number of properties within the City's urban core as well as other sensitive sites within the community that would benefit from redevelopment under the City's current Downtown Design Standards. These properties include:

67 Main Street - Wells Fargo Bank
243 Main Street – Chase Bank
175 Lithia Way – old Copeland Lumber / First Place Subdivision site
250 Pioneer Street – Umpqua Bank

These properties often cause a pause for many long-time residents and visitors of Ashland who sadly identify with the fact that each property's current building or vacant condition likely superseded a historic building. Although it's clear in the applicants opinion the City has learned from this unfortunate experience and such transformation of historic properties are not likely to easily occur again, the prospect of providing code language to encourage re-development of those same sites guided by current City design standards is intriguing and exciting.

Applicant's Purpose: The Ashland Food Cooperative desires to resolve its well known and long-time parking issue with its neighbor, Umpqua Bank (250 Pioneer Street). For many years the two businesses have attempted to work together to minimize the congestion, anxiety and often times frustration that occurs not only between their management, but also employees, customers and neighbors. As with most urban parking issues, it's a slow methodical build-up with outside influences as well as the new neighboring developments such as the Ashland Hardware Store (previously storage yard), Oak Street Market (previously car wash and Cantwell's store), Oak Street Tank and Steel conversion (now Plexis' Offices) as well as the small, but still measureable impacts of newest businesses such as the new Café on Pioneer Street (Ruby's Neighborhood Restaurant) and the recently approved business located at 260 N. First Street (PA-2010-01611). Regardless of signage, employees and customers of these new businesses, often park on the subject property which decreases available parking and increases the chances of drivers circulating the surrounding neighborhood. Nevertheless, the two parties are in agreement that an amicable solution is needed.

Note: At the present time, there are no "agreements, contracts, plans, or otherwise" between the two entities, but both wish for a resolution to its shared parking conflicts that allow both businesses to continue to be a positive presence in the community. A number of meetings and phone conversations have occurred, but until this particular issue is addressed, there will not be any formal arrangements or agreements between the two parties. Instead, the Ashland Food Cooperative is first hoping the City agrees with the logic of the amendment and then hoping that Umpqua Bank would sell their site to the Ashland Food Cooperative and relocate to an area in the Downtown area that is more fitting to their business' long term interest.

That said, after a significant amount of thought and a number of meetings with City staff, the applicants have concluded the best solution would be to purchase the Umpqua Bank's property and at the same time identify alternative "areas" more fitting for the bank's needs, including its drive-thru facilities, which are equal or superior to the existing site. In the applicant's opinion, this opportunity best exists on the old Copeland Lumber site between Pioneer and First Streets (now vacant). Umpqua Bank has tentatively agreed with this location, but again a final decision is dependent on the outcome of the proposed ordinance amendment. If approved, Umpqua Bank would then likely identify a site, enter into a purchase agreement, generate concept plans and submit an application to the City for Planning Commission review and approval. Following the purchase of the current Umpqua Bank site and the relocation of the bank, customers of the Ashland Food Cooperative would then begin to use the parking. A small expansion to the store is also possible and discussed in passing, but yet to be finalized.

Issues: As noted previously, the existing zoning codes prohibit drive-up uses in the Ashland Historic Interest Area and thus, an amendment to the code is desired. Further, existing drive-up uses in the Ashland Historic Interest Area are considered "non-conforming" and subject to a highly discretionary process called a Conditional Use Permit which, according to City staff, allows complete discretion by the Planning Commission.

As such, the applicants desire to submit an application, supported by the City Council, Planning Commission, City staff and the Downtown merchants, that not only provides the opportunity to allow both the Ashland Food Cooperative and Umpqua Bank to "eventually" reach an agreement, but to also provide the mechanism for existing drive-up uses to redevelop under the Downtown's Site Design & Use Standards.

Draft Code Amendment: Attached is an initial "draft" of proposed code language intended to provide direction and stimulate discussion with staff. Two sections of the Ashland Municipal Code are proposed to be amended, Section 18.32.025 E., to allow drive-up uses for "existing" drive-up uses in the Historic Interest Area and adding another section, 18.08.805, relating to the definition of "underground drive-up uses". The later includes illustrations (attached) on how the proposal could work in a variety of scenarios – existing bank sites or vacant properties, in order to give the City staff, the Ashland Historic Commission, Planning Commission and City Council the opportunity to review the proposal in a tangible way.

Criteria: In accordance with Chapter 18.108.170 C. (Legislative Amendments), the applicants are proposing an amendment to the Ashland Municipal Code, Chapter 18.32.025 E, as it relates to Drive-up uses in Ashland's Historic Interest Area, based on the policies of the Comprehensive Plan and the circumstances and conditions of the proposal itself and positive redevelopment opportunities in the Historic Interest Areas. The applicants are aware the decision is a legislative act solely within the authority of the Council and that no "specific" criteria exists for text amendments to the land use ordinance.

Comprehensive Plan Policies: The applicants have attempted to identify the various Comprehensive Plan Policies that generally relate to the subject matter and overall feel strongly that the proposed amendment is consistent with the policies and will be a substantial benefit for the community. The City's Comprehensive Plan was adopted by the City Council in July of 1981 and although certain elements of the Plan have been updated, the policies noted herein still remain. As such, each pertinent policy is listed below in **bold font** followed by the applicant's response in regular front:

Chapter I Historic sites and Structures

I-1 The City recognizes that the preservation of historic sites and buildings provides both tangible evidence of our heritage and economic advantages.

The applicants contend the "Main Street" environment in Downtown Ashland is a key factor in maintaining Ashland's heritage and helps stimulate the local economy. The proposal will hopefully encourage redevelopment of non-contributing sites into conforming sites and attractive human-scale buildings that are in context with this heritage and consistent with current Planning codes.

I-7 The City shall develop and implement through law design guidelines for new development as well as for alteration of existing structures within the historic interest areas for structures and areas that are historically significant.

The proposed application will encourage redevelopment of sites that are inherently auto-centric by design. Such redeveloped properties, incorporating current design standards, will create more contextually compatible main street building facades.

I-9 The City shall develop and maintain guidelines for analyzing and resolving conflicting uses of its historic resources, and shall encourage traditional uses of historic resources.
The adoption of the proposed Text Amendment to allow drive-up uses in the Downtown, under a narrow list of circumstances, is intended to encourage the redevelopment of conflicting uses (surface parking lots with surface drive-up windows) that will result in building facades and site designs that are consistent with Ashland's Downtown traditional uses and resources.

Chapter VI Housing

VI-1 Given the scarcity and cost of land as a limited resource, conserve land and reduce the impact of land prices on housing to the maximum extent possible.

Various policies of the City's Comprehensive Plan encourage efficient use of lands, a variety of housing types, mixed-use housing, affordable housing, open spaces, quality design standards, historic preservation and an efficient transportation system which the proposed amendment will hopefully lead to and/or participate in. In this vein, redevelopment of under-utilized sites (i.e., auto centric stes) generally encourages land use efficiency which will hopefully lead to added businesses and residential housing. Further, redevelopment also leads to buildings that meet current building codes, handicap access codes, contemporary energy efficiency standards and air quality standards.

Nevertheless, it's clear there is a limited amount of land in Ashland's Downtown and such redevelopment activity will create a more interesting streetscape, exciting urban environment and lead to further compliance with Comprehensive Plan policies and goals. These include Chapter VI, Housing, Policy VI-1 and VI-2.

Chapter VII Economic Element

To ensure that the local economy increases in its health, and diversifies in the number, type and size of businesses consistent with the local social needs, public service capabilities, and the retention of a high quality environment.

The proposal is intended to encourage redevelopment of non-contextually compatible buildings that will in turn increase the health of Ashland's economy and diversify the number, type and size of businesses that are consistent with the local needs and will accomplish the task in a quality pattern as regulated by the Downtown Design Standards. In the applicant's opinion, the proposal attempts to address the intentions of the Comprehensive Plan's policies, but also understands that many changes have occurred in recent history with new building codes, advances in technology and consumer behavioral patterns, that the proposed code amendment is attempting to bridge. For example, large banks, such as Ashland's Umpqua Bank or Wells Fargo Bank, would not be built to their current size, but instead would be significantly smaller. In fact, it's well known that banks and grocery stores and similar anchor businesses have been partnering to provide shared services.

VII-1 Policy—The City shall zone and designate within the Plan Map sufficient quantity of lands for commercial and industrial uses to provide for the employment needs of its residents and a portion of rural residents consistent with the population projection for the urban area.

As previously mentioned, one of the goals of the proposed amendment is to provide the mechanism for efficient land planning on typically in-efficient "auto centric" sites. There is a limited supply of land within the Downtown area and generally the sites with drive-up facilities have the least amount of floor area to land ratio and thus are out of place in their "main street" neighbors. By providing the mechanisms in the municipal code to be efficient, we can continue to be cautious and limit expansion to outlying areas (i.e., sprawl). In reality, the proposed amendment is consistent with recent Council and Planning Commission decisions to participate in the Regional Problem Solving Process (RPS) where the City has committed to not expanding outward, but instead becoming more land efficient and code creative (Pedestrian Places Ordinance, Minimum Density Standards, etc.).

VII-2 Policy—The City shall design the Land Use Ordinance to provide for:
1) New development or redevelopment in the Historic District will be compatible with the character of the district.

The applicants contend the "Main Street" environment in Ashland's Historic Downtown is a key factor in what is Ashland. It's the heart of the community and careful and well-thought decisions are critical. The applicants strongly believe that the proposed amendment is well-thought out and in the long term, will be impacting and meaningful. Incompatible sites will be replaced with compatible

sites. Non-descript facades will be replaced with architecturally creative facades and most importantly, surface parking lots will be converted to buildings, landscaping and plaza space.

5) Commercial or employment zones where business and residential uses are mixed. This is especially appropriate as buffers between residential and employment or commercial areas, and in the Downtown.

There is no doubt that businesses, lending institutions and buyers are accepting mixed-use housing as a viable option and that the "old" is back and desirable. Not only does mixed-use housing provide a variety of positive attributes (energy efficient, land efficient, built-in street surveillance, affordable housing, etc.) it also is very sustainable and environmentally conscious. As such, the proposed amendment simply attempts to "encourage" the right decision and minimize potential barriers.

7) Clear and objective standards for development reviews that provide for a quick and predictable approval process with a reduced amount of uncertainty.

After many hours spent on the development of this application with the intent to try and produce code language that is more predictable, the reality is the system and process is still uncertain. In the eyes of the applicants, that's not necessarily a negative as land use planning is very complex and no one property, no single project and no one's personality is the same. Nevertheless, the proposal does remove a large barrier for those few property owners who would be immediately challenged by the "prohibitive" and "grand-fathered" code language and instead should be encouraged by the "permitted with stipulations" code language. In the applicant's opinion, this is a very important distinction – a distinction that clearly reduces the amount of uncertainty.

VII-5 The City shall encourage economic development of the local resources and enhance employment opportunities for existing residents. The City's policy is that economic development shall always have as its primary purpose the enhancement of the community's economic health.

The proposal is intended to encourage redevelopment of non-contextually compatible buildings that will in turn increase the health of Ashland's economy and diversify the number, type and size of businesses found in the Downtown that cater to the local needs of the community and its many visitors. The result will not only be an enhancement to the community's economic health, but also its visual appearance which, in turn, is also an economic factor and a sense of pride for Ashlanders.

Chapter VIII Parks, Open Space & Aesthetics

VIII-9 Require all new residential, commercial and industrial developments to be designed and landscaped to a high standard to complement the proposed site and the surrounding area.

Unlike today's Planning standards, the subject properties with drive-up facilities generally have limited landscaping or architectural presence and were clearly built during the car culture era. Unfortunately, at that time, they did not have compatibility standards and buildings and landscapes were designed and built solely for a single purpose with little thought of one day converting to

another use - a basic sustainability factor. The proposed amendment, along with existing design standards and time, will likely reverse that pattern and generate buildings and landscapes that complement the surrounding

Chapter IX Public Services

IX-6 In conjunction with studies of housing, land use, downtown policies, etc., identify and implement innovative service techniques in anticipation of major trends, needs, and economic or environmental changes, rather than waiting to react when all options are closed.

Although this policy directly relates to providing public services, it references innovative response to land use planning and describes the applicant's intent in which the proposed amendment is in response to trends, technology, consumer behavior, market conditions - and - simply out of necessity to provide an opportunity for redevelopment of the Co-op site. But, it also considers many other drive-up sites found in the Downtown that are underutilized, incompatible and somewhat neglected. Various community members, including a number of City staff, concur.

Chapter X Transportation

X-4 Access
b) Direct access onto streets designated as arterials should be discouraged whenever an alternative exists or can be made available.

Direct access onto streets designated as arterials are now discouraged through a variety of code provisions implemented through the Conditional Use Permit criteria and Site Design Standards as well as policies of the Transportation System Plan and the State of Oregon's (ODOT) Access Management Standards. Regardless, the applicants contend the existing drive-up facilities are currently out of compliance with this policy and the only practical resolution to resolve this issue is through redevelopment which the proposed amendment is designed to encourage. However, if the decision makers believe the ordinance should also specifically regulate access management issues within the code itself, the applicants contend it would be within their power and appropriate.

X-6 Pedestrians and Bikeways
d) Minimize conflicts between transportation types, especially when those conflicts create a particularly hazardous area.

Conflicts between pedestrians and automobiles within the public rights-of-way should be improved dramatically as multiple curb-cuts (conflict points) would likely be eliminated with any redevelopment. Within the City's Municipal Code and Transportation System Plan there are numerous provisions requiring curb-cut consolidation whenever possible which also includes code language restricting access to secondary streets. The proposed amendment will not conflict with these regulations or policies.

X:10 Parking
b) Require new businesses to provide adequate parking spaces for employees and customers, except in the downtown area.

Current zoning codes allow businesses (existing or new) to not have any on-site parking which put additional strains on public streets and public parking lots where parking is already a premium. The proposed ordinance simply encourages redevelopment of non-conforming drive-ups to be underground which will hopefully also provide for some underground parking as illustrated in the examples. Finally, it's important to note that this policy has multiple intentions which includes "encouraging development and redevelopment" in the Downtown by not having to provide for parking which limits the ability to fully develop property or create new businesses (parking spaces are generally based on use). In this scenario, the opportunities exist, but not necessarily at the expense of adding additional parking demands on the street or within the public parking lots. And, at no cost to the City.

X-9 Fuel Consumption and Air Pollution
d) Discourage the use of drive-up windows through the implementing ordinances.

The applicants contend this particular policy has generally worked very well in maintaining Ashland's charm and identity. Nevertheless, there are a variety of factors that should be considered as the proposed ordinance amendment does not encourage nor discourage drive-up windows. The amendment only relates to "existing drive-up facilities that are already in existence" and instead of their current auto-centric and unattractive presence, the new code encourages their undergrounding or predominately screening that will occur through redevelopment. The applicants further contend that no one Comprehensive Plan Policy should be regarded so highly where it shadows the numerous policies as noted herein and that when combined and evaluated rationally, the end result will be significantly better than the current status quo.

Chapter XI Energy, Air, and Water Conservation

XI-4 Commercial and Industrial Sectors
f) The City shall ensure that Chapter 53 of the Oregon Building Code, which deals with energy conservation, is adequately enforced for businesses being constructed in Ashland. The City's new Electrical Inspector could be especially helpful in this by evaluating lighting systems for not only code compliance, but also for cost effective investments beyond code requirements.

Although the majority of the Comprehensive Plan's Policies relating to conservation in Ashland are very outdated (over 30 years old) and current codes and practices are very much cutting edge, the proposed amendment will encourage redevelopment of sites that are generally lacking any significant conservation measures. As noted previously, one of the benefits of the amendment is a conscientious attempt to specifically target certain sites that are underutilized, out of context to their surroundings and also lack energy efficiencies required and encouraged through today's Building and Zoning codes.

Chapter XII Urbanization

It is the City of Ashland's goal to maintain a compact urban form and to include an adequate supply of vacant land in the city so as not to hinder natural market forces within the City, and to ensure an orderly and sequential development of land in the City limits.

The applicants support this policy without question. One of the goals of the proposed amendment is to provide the mechanism for efficient land planning on typically in-efficient "auto centric" sites. There is a limited supply of land within the Downtown area and generally the sites with drive-up facilities have the least amount of floor area to land ratio and thus are "out of place" in their main street context. By providing the mechanisms in the municipal code to be efficient, the City can continue to be cautious and limit expansion to outlying areas (i.e., sprawl). Further, as previously noted the proposed amendment is consistent with recent Council and Planning Commission decisions to participate in the Regional Problem Solving Process (RPS) where the City has committed to not expanding outward, but instead becoming more land efficient and code creative (Pedestrian Places Ordinance, Minimum Density Standards, etc.).

Pre-Application Comments: The applicants have discussed the proposal with City Staff with generally positive feedback, but understandably there will be reservations when dealing with a sensitive topic that Ashland has prided itself on for the last 20 years when the City initially took the steps to regulate drive-up uses, their number, location and design. However, in that same vein of creativity and boldness, the applicants desire the current staff and decision makers to evaluate the proposal as a positive and slight adjustment of the ordinance and not as a wholesale modification.

Further, staff and the applicants had originally vacillated between the subject application being processed as a Variance vs. a Text Amendment, but in the opinion of the then City Manager and the applicant's legal advisors, the text amendment seemed to be the most comprehensive, benefitting, logical, efficient and transparent route. Typically, Variances relate to a specific site and include specific and detailed building plans as well as Findings of Fact which the applicants contend is not possible as no contracts exist other than a general understanding. On the other hand, the Text Amendment is attempting to be "big picture" in its implementation by first inserting the concept as a permitted use "under certain restrictions" and only then, via a separate application, an applicant would then apply for Site Review Permit and have to address all of the relevant criteria and design standards.

Overall, the applicants contend the amendment proposal is relatively straight-forward, but the process, details, various scenarios and explanations are not. As such, the applicants have created a Question & Answer sheet (attached) in an attempt to help answer additional questions or concerns the community, staff and decision makers may have.

Conclusion: Finally, it should be understood the proposal is NOT to increase the "total number" of drive-ups within Ashland as regulated by Section 18.32.025 E.3.h., but instead encourage those existing drive-ups to redevelop their sites that are fitting to the original character of town.

The applicants understand there will likely be many questions and concerns to the proposed code amendments, but hopefully as we continue to work together to answer the questions and address the concerns, everyone will agree the proposal has merit.

MAR 2 2012

Proposed Amendment to Ashland Municipal Code, Chapter 18.32.025 E. Drive-up Uses in the Commercial District (C-1 and C-1-D)

Existing Code **Proposed Code Amendment**

18.32.025 Special Permitted Uses

The following uses and their accessory uses are permitted outright subject to the requirements of this section and the requirements of Chapter 18.72, Site Design and Use Standards.

A. Commercial laundry, cleaning and dyeing establishments.

1. All objectionable odors associated with the use shall be confined to the lot upon which the use is located, to the greatest extent feasible. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

2. The use shall comply with all requirements of the Oregon Department of Environmental Quality.

B. Bowling alleys, auditoriums, skating rinks, and miniature golf courses. If parking areas are located within 200' of a residential district, they shall be shielded from residences by a fence or solid vegetative screen a minimum of 4' in height.

C. Automobile fuel sales, and automobile and truck repair facilities. These uses may only be located in the Freeway Overlay District as shown on the official zoning map.

D. Residential uses.

1. At least 65% of the total gross floor area of the ground floor, or at least 50% of the total lot area if there are multiple buildings shall be designated for permitted or special permitted uses, excluding residential.

2. Residential densities shall not exceed 30 dwelling units per acre in the C-1 District, and 60 dwelling units per acre in the C-1-D District. For the purpose of density calculations, units of less than 500 square feet of gross habitable floor area shall count as 0.75 of a unit.

3. Residential uses shall be subject to the same setback, landscaping, and design standards as for permitted uses in the underlying C-1 or C-1-D District.

4. Off-street parking shall not be required for residential uses in the C-1-D District.

5. If the number of residential units exceeds 10, then at least 10% of the residential units shall be affordable for moderate income persons in accord with the standards established by resolution of the Ashland City Council through procedures contained in the resolution. The number of units required to be affordable shall be rounded down to the nearest whole unit.

E. Drive-up uses as defined and regulated as follows:

1. **Except as noted in Section 2. below,** drive-up uses may be approved in the C-1 District only, and only in the area east of a line drawn perpendicular to Ashland Street at the intersection of Ashland Street and Siskiyou Boulevard.

2. Drive-up uses are prohibited in Ashland's Historic Interest Area as defined in the Comprehensive Plan; **except that that drive-up uses already existing and located within Ashland's Historic Interest Area may be relocated to another property or site within Ashland's Historic Interest Area subject to the following additional requirement:**

a. Existing drive-up uses within Ashland's Historic Interest Area seeking to relocate to another site or property within Ashland's Historic Interest Area must be either underground drive-up uses or drive-up uses that are predominately screened, as defined in Section 18.08.805.

3. Drive-up uses are subject to the following criteria:

a. The average waiting time in line for each vehicle shall not exceed five minutes. Failure to maintain this average waiting time may be grounds for revocation of the approval.

b. All facilities providing drive-up service shall provide at least two designated parking spaces immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.

c. A means of egress for vehicular customers who wish to leave the waiting line shall be provided.

d. The grade of the stacking area to the drive-up shall either be flat or downhill to eliminate excessive fuel consumption and exhaust during the wait in line.

e. The drive-up shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gases.

f. Sufficient stacking area shall be provided to ensure that public rights-of-way are not obstructed.

g. The sound level of communications systems shall not exceed 55 decibels at the property line and shall otherwise comply with the Ashland Municipal Code regarding sourd levels.

h. The number of drive-up uses shall not exceed the 12 in existence on July 1, 1984. Drive-up uses may be transferred to another location in accord with all requirements of this section. The number of drive-up window stalls shall not exceed 1 per location, even if the transferred use had greater than one stall.

F. Kennel and veterinary clinics where animals are housed outside, provided the use is not located within 200' of a residential district.

New Definition:

18.08.805 Underground Drive-up Uses.

Underground Drive-up Uses are located within the underground portion of a building where a majority of the drive-up facilities, such as the teller window or ATM kiosk, are either located underground, or are predominately screened and have limited visibility from the adjacent public rights-of-way. Underground Drive-up Uses within the Ashland Historic Interest Area shall be subject to Type III review.

Questions & Answers

Land Use Application
For A
Zoning Ordinance Amendment
Ashland Municipal Code - Chapter 18.32.025 E.

"Drive-Up Uses"

1) **Why does the existing ordinance limiting drive-ups within the Historic Interest Area need to be amended?**

   Without the proposed amendment, existing drive-up facilities (all of which are now financial institutions – Wells Fargo, Chase, Umpqua, etc.) would likely remain in their current auto-centric state. The proposed amendment would "encourage" these existing sites to redevelop under the adopted Downtown Design Standards and not only create more positive building mass along the street facades similar to the majority of downtown block facades, but also create a more pedestrian friendly environment as envisioned in the Downtown Design Standard's illustrations and Comprehensive Plan policies and Zoning codes.

2) **Will the proposed ordinance amendment increase the "number" of drive-ups within the Historic Interest Area?**

   No. The ordinance is specific to "existing" drive-up facilities currently operating in the Historic Interest Area who coincidently are only owned and operated by financial institutions. As such, the number will not be increased.

3) **Could an existing drive-up permit holder, outside the Historic Interest Area, relocate into the Historic Interest Area?**

   No. The proposed ordinance specifically applies to existing drive-up facilities currently in operation within the Historic Interest Area. As such, the number of drive-up facilities would remain the same as they exist today (Wells Fargo, Chase and Umpqua Banks).

4) **Could another type of drive-up facility (i.e., fast food) open in the Historic Interest Area?**

   Under the current code, another type of drive-up business (i.e., fast food) could technically occupy an existing drive-up site and only have to apply for a business license

and sign permit. The proposed code would not change this possibility. However, it hasn't occurred since the ordinance's original adoption over 20 years ago nor has the applicant heard any rumors of such a possibility so it's highly unlikely.

5) **It appears the existing zoning codes currently allow, under the Conditional Use Permit process, "grand-fathered" drive-up facilities to be modified so what is the need for the proposed amendment?**

In this regard, the proposed amendment has two primary purposes. First, to remove some of the subjectivity inherent with conditional use criteria and instead introduce language that is more clear and objective. In reality, the existing zoning codes are very cumbersome, complex, and subjective and thus have had a chilling effect on redevelopment of these sites. The proposed amendments narrowly define what type of uses ("existing" drive-ups) and how they need to redevelop (underground or predominately screened).

The proposed language gives the applicant(s) the confidence that if they submit an application and the submittal documentation meets the applicable standards and criteria and the design fits, the investment can move forward. Some level of predictability is essential.

6) **Why would existing drive-up uses propose to redevelop their properties if they are currently successful?**

The reality is they may *not*, but at some point they will. It also has to be economical based on sound investment analysis. The proposed amendment simply removes some of the barriers that are real and/or are perceived that has since discouraged redevelopment of these sites.

However, like any building, over time they need to be rehabilitated and/or replaced. Coincidently, so do businesses such as financial institutions that have seen dramatic changes over the least twenty years with internet technology and changes to customer banking patterns where retooling there practices allows them to stay competitive in the marketplace. The reality is these businesses no longer need as much space to accommodate their practice and in some cases, no longer need their drive-up facilities. So, why would they not want to redevelop and why occupy more square footage than is needed and instead lease the remaining square footage? The answer is simple… the existing codes are too arbitrary and unpredictable and the cost associated to with Planning Applications can easily exceed $200,000 dollars (before a building permit is even issued).

Further, the restrictions on the number of drive-up facilities in the City of Ashland have caused an odd circumstance where they have become a coveted commodity, owned by few that are now worth hundreds of thousands of dollars (the last known transfer was

purchased for $250,000). That said, why would an existing drive-up facility ever consider a modification without keeping their drive-up? They wouldn't which is why the proposal to allow a major redevelopment with underground drive-ups or with predominant screening with some sense of predictability is a great concept that has many positive attributes.

7) **Is it appropriate for driveways serving underground drive-ups to cross public sidewalks?**

Generally speaking, ingress and egress from private property always cross a public sidewalk. But, on every land use decision (Site Review, Conditional Use Permit, etc.) there is criteria that relate to "adequate transportation facilities" which the decision makers, advised by City staff, would base their decision on. In those cases were a driveway would be deemed "unsafe" by the decision makers, the application would be denied. The proposed ordinance simply allows for the opportunity to underground, but the final design and analysis of a driveway's safety would be determined at the time of the specific planning action.

8) **What is "predominately screened" and why not amend the existing ordinance to only apply to underground drive-ups.**

The reality is the code amendment needs to have some element of flexibility with the final decision being made by Ashland's various decision making entities - Staff, Historic Commission and Planning Commission. Do to the variety of circumstances with each property (grades, lot orientation, and street relationship) as well as the basic necessities of a drive-up window (driver side orientation, stacking needs and venting issues) the applicants, in consultation with a number of architects and designers, felt the outcome could easily meet the ordinance's intent. However, if it's decided by the decision makers that the drive-up facility would not be adequately screened, it would be denied.

9) **How could the proposal negatively affect Ashland's Historic Interest Area's built environment?**

It can't. In the applicant's opinion how could converting auto-centric sites into attractive main street facades be a negative? In combination of the many design and access management standards that "now" exist, any new development or redevelopment would be significantly more preferable than surface parking lots or direct views onto drive-up windows.

In particular, would it be preferable to leave the existing Wells Fargo Bank site located between Oak and Pioneer Streets or would Ashland be better off with the redevelopment of that site that includes attractive, active and exciting storefronts with a single 24' (+/-) driveway off Oak Street? It's not too far from reality if one simply looks at photos of the old Ashland Hotel that once existed on this property.

10) Is private parking restricted in the Historic Interest Areas?

No. Although there is definitely numerous City design standards and policies that attempt to screen and limit excessive and unattractive surface parking lots, in no way is private parking prohibited. In fact, as long as surface parking areas are screened and main street facades and pedestrian mobility is protected, as Land Use Planners and rational decision makers, we should encourage "some" private parking (preferably underground), but only where possible and feasible. In doing so, it can have no effect on the historic street facades, would limit taxpayer financing of public parking lots and remain a critical element to a business's success.

11) Are there examples of underground drive-up uses that work well?

Yes. In most successful metropolitan cities (where parking is usually cumbersome) such as San Francisco, Tiburon, Portland, Austin, Ottawa, etc. all have successful underground drive-up uses such as banks and libraries. Further, the most common drive-up (although not a drive-up per-se) are large parking structures where there are ingress and egress lines, tellers and payment kiosks and all work very successfully.

12) What are the logistical factors of underground or partially screened drive-up facilities - driveway grades, queuing, ventilation, etc, and do they impact the building's design?

Based on the City's Site Design and Use Standards, the end result must be a product that reflects building characteristics predominately found in the Downtown. Driveway grades, queuing, ventilation issues are generally determined by industry standards and national building codes. Design professionals base their decisions on many factors and must merge architectural presence, function and building code regulations in order to design buildings.

13) Why is the Ashland Co-Op proposing the amendment and what is their benefit?

The Ashland Food Cooperative desires to resolve its well known and long-time parking issue with its neighbor, Umpqua Bank. For many years the two businesses have attempted to work together to minimize the congestion, anxiety and often times frustration that occurs not only between their management, but also employees, customers and neighbors. As with most urban parking issues, it's a slow methodical build-up with outside influences as well as the new neighboring developments such as the Ashland Hardware Store (previously storage yard), Oak Street Market (previously car wash and Cantwell's store), Oak Street Tank and Steel conversion (now Plexis' Offices) as well as the small, but still measureable impacts of the newest businesses such as the new Café on Pioneer Street (Ruby's Neighborhood Restaurant) and the recently approved business located at 260 N. First Street (PA-2010-01611). Regardless of signage,

employees and customers of these new businesses, often park on the subject property which decreases available parking and increases the chances of drivers circulating the surrounding neighborhood. Nevertheless, the two parties are in agreement that an amicable solution is needed.

Note: At the present time, there are no "agreements, contracts, plans, or otherwise" between the two entities, but both wish for a resolution to its shared parking conflicts that allow both businesses to continue to be a positive presence in the community. A number of meetings and phone conversations have occurred, but until this particular issue is addressed, there will not be any formal arrangements or agreements between the two parties. Instead, the Ashland Food Cooperative is first hoping the City agrees with the logic of the amendment and then hoping that Umpqua Bank would sell their site to the Ashland Food Cooperative and relocate to an area in the Downtown area that is more fitting to their business' long term interest.

That said, after a significant amount of thought and a number of meetings with City staff, the applicants have concluded the best solution would be to purchase the Umpqua Bank's property and at the same time identify alternative "areas" more fitting for the bank's needs, including its drive-thru facilities, which are equal or superior to the existing site. In the applicant's opinion, this opportunity best exists on the old Copeland Lumber site between Pioneer and First Streets (now vacant). Umpqua Bank has tentatively agreed with this location, but again a final decision is dependent on the outcome of the proposed ordinance amendment. If approved, Umpqua Bank would then likely identify a site, enter into a purchase agreement, generate concept plans and submit an application to the City for Planning Commission review and approval. Following the purchase of the current Umpqua Bank site and the relocation of the bank, customers of the Ashland Food Cooperative would then begin to use the parking. A small expansion to the store is also possible and discussed in passing, but yet to be finalized.

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